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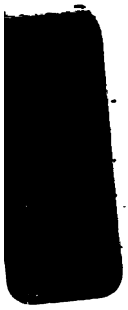

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THE

PARLIAMENTARY

REGISTER;

OR,

AN IMPARTIAL

REPORT OF THE DEBATES

THAT HAVE OCCURRED

IN THE TWO HOUSES

OF

PARLIAMENT,

IN THE COURSE OF

The Fifth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland.

VOL. I.

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CONTENTS

OF THE FIRST VOLUME.

HOUSE OF LORDS.

His Majesty's Indisposition.

Page.

The Lord Chancellor 1, 7, 12, 55
The Earl of Liverpool 2, 14, 43, 77, 83, 124, 129, 130
Lord Holland - 2, 50, 129
The Earl of Moira - 8, 46
Lord Grenville - 8, 15 50, 52, 126
The Earl of Stanhope - 12
The Duke of Norfolk - ib.
Lord Grey - - 16
Lord Viscount Sidmouth - 18
Earl Camden - 40, 82,
Earl Spencer - 44, 123
Lord Harrowby - 48
The Marquis of Abercorn 50
The Earl of Westmoreland 52
The Earl of Darnley - ib.
Lord Erskine - - 56
Earl Stanhope - - ib.
The Marquis of Lansdown ib.
H. R. H. the Duke of Sussex ib.

Page

Lord Lauderdale - - 126

Examination before the Privy Council, of the Physicians who have attended his Majesty during his late illness. 40

State of the Nation, as arising from the Suspension of the Executive Functions—and proposed Regency.

Lord Holland 176, 224, 235, 271, 432
The Earl of Liverpool, 178, 215, 415, 417, 445, 474, 486, 509
Earl Grosvenor - - 179
H. R. H. the Duke of Clarence 180
The Duke of Norfolk 180, 235, 432
Earl Stanhope - 181, 222
Lord Erskine 181, 269, 275, 426
Earl of Lauderdale - 182, 270
Lord Darnley - 184, 276
The Earl of Carlisle 213, 419
H. R. H. the Duke of Sussex 435

Page

Lord Mulgrave - - 241
H. R. H. the Duke of York 245
Lord Moira - - 247
The Earl of Buckinghamshire 252
The Marquis of Lansdown 253, 420
Lord Grenville - 257, 442
The Lord Chancellor 266, 427, 474, 509
Lord Kenyon - - - 276
Lord Sidmouth - 423
Earl Spencer - - 431
Lord Clancarty - 432
Lord Harrowby - - 437
Lord Clive - - 474
Earl Grey - - 487
List of the Minority—on occasion of the Resolutions proposed by Ministers for the establishment of a Regency - - 272
Protest of the Royal Dukes against the proposition submitted to the Prince of Wales for limiting his Royal Highness in the exercise of the Royal prerogative while called upon to act as Regent 273
Answer of Mr. Perceval to His Royal Highness 274
Protests on the Regency Question - - 279

Issue of Money—Treasury Order.

Earl of Liverpool 410, 462, 470
Lord Grenville 410, 464, 466
Lord Redesdale - - 465
Lord Spencer - - 415, 466
Earl Westmoreland - 467

Page

Lord Holland - 468, 471
Earl Rosslyn - - 470
The Marquis of Lansdown 470
Earl of Lauderdale - 471

Protests.

The Earl of Moira - 410
The Earl of Liverpool - ib.
The Duke of Clarence - ib.

Voting by Proxies.

The Lord Chancellor - 600
The Earl of Moira 602

Regency Bill.

The Earl of Liverpool 604, 618, 619, 624, 625, 627, 662, 676, 678, 679, 685, 686
The Earl of Ross - - 605
The Earl of Mansfield - 605
The Duke of Norfolk - 606
The Earl of Stanhope 606, 635, 648, 679
The Lord Chancellor 608, 619, 621, 622, 630, 657, 669, 672
Lord Walsingham - - 618
Lord Grenville 619, 620, 633, 648, 675, 678, 679
Lord Ellenborough 619, 686
Earl Grey, 621, 626, 654, 657, 671
Lord Sidmouth, 621, 635, 651, 665
The Marquis of Lansdown, 622, 673,
The Earl of Clancarty 633, 678
Lord Redesdale - - 635
Earl Grosvenor - - 638
H.R.H. The Duke of Sussex 638

Page
The Earl of Coventry - 632
The Marquis of Stafford 652
Lord Eldon - - 653
H. R. H. the Duke of Kent 665
H. R. H. the Duke of Gloucester 666
Lord Moira 637, 666, 673, 692
The Marquis of Downshire 672
Lord Boringdon 672, 673, 674
Lord King - - 680
The Earl of Buckinghamshire 680
The Earl of Westmoreland 680
The Earl of Derby - 685

Affixing the Great Seal.

The Earl of Liverpool 687, 689, 691
Lord Holland - 687, 689, 690
Earl Grey - - 688
Lord Redesdale - 690
The Lord Chancellor 691
The Earl of Moira - 692
The Lord Chancellor 713

Protest against the rejection of Lord King's Motion for omitting the name of "John Lord Eldon," as one of her Majesty's Council, 682

Protest of Earl Grosvenor on a Question of receiving an Appeal from Scotland 684

Protest against agreeing to the Resolution to put the Great Seal to a Commission to pass the Regency Bill, - - 714

HOUSE OF COMMONS.

His Majesty's Indisposition.

Page
The Chancellor of the Exchequer 3, 19, 58, 79, 83, 86, 87, 88, 89
Mr. Sheridan - - 5, 33, 85
Mr. Whitbread - 22, 61, 82, 88
Sir Francis Burdett - 26, 72, 79
Mr. Tierney - - 28, 32
Lord A. Hamilton - - 28
Mr. Fuller - - 29, 76
Mr. Ponsonby - 29, 67, 84
Mr. Canning - - - 31
Mr. C. Wynne - - 33, 75
Sir S. Romilly - - 35
Mr. Bathurst - - 37, 76
Mr. Elliot - - 38
Mr. Wilberforce - 38, 76
Mr. Secretary Ryder - 57
The Speaker - 57, 58, 78
Mr. Tierney - - 57
Mr. Secretary Yorke - 65
General Matthew - 74
Lord Milton - - 75
Sir Thomas Turton - ib.
Mr. Adam - - 76, 87
Sir John Newport - - 78
Mr. Biddulph - - - ib.
Mr. Dundas - - 82
Mr. Stewart - - - 86

Report of the Committee appointed to examine the Physicians who have attended his Majesty during his Illness - - 92

CONTENTS.

State of the Nation as arising from the Suspension of the Executive Functions—and proposed Regency.

The Chancellor of the Exchequer 131, 206, 212, 277, 285, 326, 354, 473, 491, 492, 494, 500, 504, 507, 509, 517, 518, 519, 520
Sir Francis Burdett 146, 186, 408,
Mr. Ponsonby - 152, 367
Mr. Canning 162, 308, 325, 390, 395, 406
Lord Temple - - 165
Lord Jocelyn - - 167
Mr. Adam 167, 211, 345, 492, 519
The Attorney General - 169
Sir S. Romilly - 169, 337, 407
The Solicitor General - 171
Mr. Croker - - 171
Mr. Whitbread - 172, 209, 211, 357, 492, 516, 519
Lord Castlereagh 175, 310, 313
Lord William Russell 185, 186
Mr. Lambe - - 189, 296
Mr. Stephen - 192, 335, 361
Mr. C. W. Wynne - 195, 380
Mr. Wilberforce - 198, 343
Mr. Grattan - 200, 385
Sir John Newport - - 202
Mr. Elliot - - - 204
Mr. Hiley Addington 204, 333
Lord Porchester - - 206, 367
Mr. Lockhart - - 206
Mr. Tierney - - 277
Mr. Matthew Montague - 309
Lord Kennington - 315
Mr. Leach - - 316
Mr. W. Smith - - 325
Mr. Bathurst - - 325, 368
Earl Gower - - 330
Mr. Henry Martin - ib.
Mr. Johnstone - - 339
Lord Milton - - 334
Lord Desart - - 349
Mr. Fuller - - - 349
Mr. Morris - - - 369
Mr. Peter Moore - - 365
Sir T. Turton - - 372, 537
Lord Francis Osborne - - 373
Mr. Yorke - - - - 375
Mr. Secretary Ryder - 383
The Master of the Rolls - 390
Mr. Sheridan 395, 492, 493, 495, 504, 516
Mr. Herbert (of Kerry) - 518
The Prince Regent's Answer 489
The Queen's Answer - 490

Issue of Money—Treasury Order.

The Chancellor of the Exchequer 411, 413, 445, 447, 448, 449 461, 680
Mr. Ponsonby - - 442, 448, 455
Mr. Tierney 443, 454, 457, 459
Mr. Scrope Bernard - 444
Lord Temple - 445, 452
The Speaker - 447, 449
Mr. Adam - - - 448
Mr. Yorke - 448, 458
Sir John Sebright - 452
Mr. Rose - - 455
Mr. Dundas - - - 457
Sir A. Pigot - - - 457
Mr. W. Wynne - - 459
Mr. Whitbread - 460, 486, 487
Mr. Horner - - - 461

Page

New Writ for Gloucestershire.

Mr. Howard - 477, 480
The Speaker - - 477, 479
The Chan. of the Exchequer 480
Mr. Whitbread - - 481
Mr. C. Wynne - - 482
Mr. Abercromby - - 483
Mr. Horner - - - 483
Mr. Long - - - 484
Sir Samuel Romilly - 484

Execution of Cardosa.

Mr. Sheridan - 510, 511
Chancellor of the Exchequer 511
Mr. Secretary Ryder - 512

Opening of Parliament.

Mr. Sheridan - - - 513
Chancellor of the Exchequer 514
Mr. W. Smith - - ib.

Regency Bill.

Mr. Whitbread 521, 531, 535, 554, 559, 578, 585, 598, 681, 682
Sir Samuel Romilly 521, 522, 525, 556, 587
The Chancellor of the Exchequer 522, 523, 527, 529, 531, 535, 537, 538, 544, 548, 550, 553, 557, 558, 560, 562, 565, 590, 597, 598, 608, 614, 618, 680, 681, 693, 706, 708, 711
Sir T. Turton - 522, 569, 609, 693, 711
Mr. H. Smith - - - 523
Mr. Tierney 523, 535, 536, 538, 594

Page

Mr. Ponsonby 524, 528, 539, 546, 550, 570, 698, 705, 708
Mr. Stephen - - 526, 583
Sir A. Pigot - - - 526
Mr. Adam 537, 543, 549, 550, 555, 611, 709, 711
Mr. Canning 532, 540, 547, 585, 599
Mr. Bathurst - 533, 535
Mr. Fuller - - 536, 560
Lord Castlereagh 541, 587, 698
Mr. Wilberforce - - 544, 617
Mr. H. Addington - 544, 547
Lord G. Cavendish - 549
Mr. Secretary Ryder 550, 551
Mr. C. W. Wynne - 551
Mr. Sheridan 552, 554, 557, 561, 563, 613, 709
Mr. G. Johnstone - 555, 609
Mr. Marryatt - - - 556
The Attorney General - 558
Lord Milton - - 559
Mr. Morris - - 561, 563
Sir F. Burdett - - 565
Mr. Lockhart - - 568
Mr. Huskisson - - 573
Mr. Rose - - - 575
Mr. Brand - - - 575
Mr. Dundas - - 576
Sir John Newport - - 577
Mr. Yorke - - - ib.
Mr. Lambe - - - 610
Mr. Giles - - - 613
Mr. Elliot - - 697
The Speaker - - - 698
Lord Porchester - - 708

THE

PARLIAMENTARY REGISTER,

DURING THE FIFTH SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

HOUSE OF LORDS.

THURSDAY, NOV. 1.

HIS MAJESTY'S INDISPOSITION.

THEIR Lordships met, from twenty to thirty in number, about half past three o'clock. Prayers having been read as usual,

The Lord Chancellor, at four o'clock, rose, and in a very impressive manner observed, that their Lordships were met together pursuant to the regular notification for the 1st of November, which stated, that his Majesty would appoint a Commission in the usual manner. But it was with the deepest concern and regret that he found himself under the necessity of informing their Lordships, that such was, at present, the state of the personal indisposition of his Majesty, that he had not thought it is duty, under the circumstances, to proffer to his Sovereign a commission to receive the sign manual. This personal indisposition of his Majesty was created by the pressure of that domestic affliction (in which every Noble Lord must sympathise) upon his Majesty's paternal feelings. But he was happy to say, that there were strong hopes of his Majesty's recovery from that indisposition. In this state of things he had considered what was his line of duty, with respect to carrying into effect the notification of the meeting of Parliament. Whether his putting, without the sign manual, the Great Seal to such a commission, would or would not be con-

sidered strictly legal, was a question upon which he should not enter, and therefore would not trouble their Lordships upon that subject. He should only say, that, under all the circumstances, he did not think it advisable for him so to do. Much as he lamented the circumstances under which their Lordships then assembled; he must leave them to adopt such a mode as appeared most convenient and proper for an occasion of so much importance.

The Earl of Liverpool rose, and after dwelling briefly on the lamented situation of the health of his Majesty, caused, as it had been truly stated by the Noble Lord on the woolsack, by a serious and severe domestic calamity, stated, that there was every reason to hope, from the opinions of the physicians who attended the Royal person, for a speedy recovery from the illness under which his Majesty at present suffered. Upon a view of the circumstances, his Lordship felt it to be his duty, and he believed he felt it in common with the House, to move that their Lordships do adjourn. At the same time, he wished that the adjournment should take place for the shortest possible term; which was one fortnight. He should therefore move, that the House, at its rising, should adjourn till Thursday the 15th of November. He should also move, in the second place, that for that day all the Lords should be summoned; and, thirdly, that the Lord Chancellor should be directed to write to every Noble Lord, informing him that his attendance was expected on Thursday, the 15th of November.

Lord Holland said, that he rose to say but a few words; not for the purpose of making any opposition whatever to the present motion, in which he considered unanimity desirable, but to express his acquiescence and agreement with the motion of the Noble Lord opposite (*Hear! hear!*). He lamented as much as any Noble Lord the cause of the present motion; to which he gave his entire assent. Had this been a case on which a precedent was to be founded, he should certainly have preferred an adjournment *de die in diem*; but the present motion being founded upon a parliamentary precedent, he should offer no further remarks on that subject. United as the Noble Lord's motion was with his other intended motions for the summoning of their Lordships a fortnight hence, and with a letter from the Lord Chancellor, stating the expectation of the attendance of every Lord in his place, on these grounds, he entirely agreed with the motion.

The Earl of Liverpool then rose, and moved that the Lords be summoned for Thursday the 15th of November.—Agreed to.

The Earl of Liverpool rose again, and moved that the Lord Chancellor be directed to write a letter to every noble Lord, informing him that the House of Lords expected his Lordship's attendance on Thursday the 15th of November.—Agreed to.

The Earl of Liverpool then moved, that their Lordships should adjourn till November the 15th.—Agreed to.

The House adjourned at half-past four.

HOUSE OF COMMONS.

THURSDAY, NOV. 1.

HIS MAJESTY'S INDISPOSITION.

The interest and anxiety excited by the known indisposition of his Majesty, and the doubts which were generally entertained, whether the Royal signature could be obtained to a Commission for a further prorogation of Parliament, pursuant to proclamation, attracted a more numerous attendance of members than, under all the circumstances of the case, could, at this season, have been expected. About half past three, the Speaker came down, and took his seat, as usual, at the table. A few minutes before four o'clock the Speaker, rising from his chair at the table, addressed the House to the following effect:—

"This House is now met upon the day to which it was last prorogued. But I have to inform the House, that notwithstanding his Majesty's Royal Proclamation in the Gazette, intimating his pleasure that Parliament should be still further prorogued to a future day, we are not to expect any message from his Majesty's commissioners on this occasion; no commission having been issued further to prorogue Parliament. Under these circumstances, it becomes my duty to take the chair of this House, in order that this House may be enabled to adjourn itself to such time as the House in its wisdom shall deem fit; and I do therefore take the chair accordingly."—(*General cries of Chair! chair! chair!*)

The Chancellor of the Exchequer then rose, and said, he was persuaded it would be unnecessary for him to state, that the House was then assembled upon the day to which it had in the last instance been prorogued to a future day; the House would very naturally be anxious to hear, why, after

such declaration of his Majesty's pleasure, his Majesty's servants were unable to carry into effect his Majesty's wishes, and were not prepared with a royal commission for that purpose. To relieve that anxiety, it became his duty, his most painful duty, to state, that it was owing to the indisposition of his Majesty, that his Majesty's servants had been unable to give effect to his royal proclamation—that it was owing to the severity of that indisposition that the Lord Chancellor, whose immediate duty it was to take his Majesty's orders on such subjects, could not obtain the royal signature to a commission further to prorogue Parliament. It would not be necessary for him, he was persuaded, to inform the House, that, under such circumstances, it would not be consistent with his duty, or the principles of the constitution, for the Lord Chancellor to affix the great seal to such a commission, without the sanction of the royal sign manual. *(Hear, hear, hear!)* Perhaps the House would permit him, on that occasion, to add one or two observations on the actual state of his Majesty's health. In doing this, he was persuaded that it would be wholly unnecessary for him to say any thing with a view to increase those feelings of anxiety and concern, entertained by the public at large respecting the disorder affecting his Majesty; nor should he then mention the circumstance which he meant to state to the House, but that he was persuaded the public would derive from it very considerable consolation respecting the nature and duration of his Majesty's present indisposition. If any thing could afford real consolation to the feelings of unfeigned affection and affliction which pervaded all classes of the public, it must be the consideration that the cause of his Majesty's present illness was to be ascribed to his steady unremitting attention to the painful and protracted sufferings of a beloved daughter *(Hear, hear, hear!)* He did not mention this circumstance as new to those who heard him; for it was notorious to the nation at large, that from that cause principally the illness of his Majesty had arisen; but he could not omit to observe, that the knowledge of that fact must give rise to considerable and well-founded hopes of his Majesty's early and complete recovery. He had the satisfaction also to inform the House, that the symptoms of his Majesty's complaint were peculiarly mild, as well as that his Majesty's physicians entertained and expressed strong and sanguine expectations of his recovery *(Hear, hear!)* Having said thus much upon this most interesting subject,

it remained only for him to touch briefly upon the practical question as to the course which it would be proper for the House to pursue on this occasion; and in that respect he apprehended, that the statement of the Speaker, which the House had just heard, pointed out the only proper course to be adopted. He agreed with that statement, that the House could not then proceed to the discussion of any public business; but was bound to adjourn over for the present. But whether it were competent to that House to enter upon the discussion of public business, at that time, or not, he would but intreat Gentlemen to reflect upon the situation in which they were thus met, and he was persuaded the House would readily concur in the expediency of an immediate adjournment. They must be aware, that they had not been assembled in consequence of any intimation of his Majesty's royal pleasure, to call together his Parliament at this particular time. On the contrary, they had been apprised by the most authoritative statement (his Majesty's proclamation in the gazette), that it was not his intention to assemble Parliament, for the dispatch of public business at this time. How, then, could the House, in such a situation, proceed with any propriety to the discussion of public business? Upon this head, he was sure there could be no difference of opinion; and the only question, therefore, then to be considered would be, as to the period for which it would be proper to adjourn. On this point he should observe, that it was his intention before he sat down to move, that the House, at its rising, do adjourn to this day fortnight. He proposed this adjournment as the shortest period within which such an attendance could be procured as would enable them, on their meeting, with decency to pronounce a parliamentary expression of their sentiments, or to discuss the propriety of a still farther adjournment. But besides this consideration, they had an instance of a parliamentary enactment authorising the calling together of Parliament within fourteen days upon any sudden emergency happening during a recess. They had also a case in modern times, which, as it appeared to be analogous, should be considered a guide for their proceeding, and afforded a precedent of a similar adjournment *(alluding to the case of his Majesty's first melancholy indisposition in* 1788). Upon these various considerations it was that he meant to propose an adjournment for a fortnight; and he trusted the House would feel them so forcibly as to go along

with him in his motion. He had but one other additional consideration to suggest, and that was solely confined to what would be necessary to forward the main object of the adjournment. The House was already aware that the object of the adjournment was to obtain a fuller attendance than in the present instance could possibly be expected; and in order to promote that object, he proposed to move for a call of the House, as had been the case in the recent instance to which he had alluded, for this day fortnight. But to give the more effect to this call, he should also move, that circular letters be transmitted by the Speaker to all the members of that House, to apprise them of the order for calling over the House on this day fortnight. Having thus put the House in possession of his views on the subject, he had nothing further to add, and should conclude with moving, that the House at its rising should adjourn to this day fortnight.

On the question being put,

Mr. Sheridan rose, and declared, that he concurred entirely in all the sentiments which had been so well and so forcibly expressed by the right hon. gentleman who had just sat down. He was most highly gratified, as he was convinced every gentleman present and every individual in the nation must be, at the consolation held out in the statement of the right hon. gentleman, that the most sanguine expectations might be entertained of the speedy recovery of his Majesty. Impressed with such feelings, he should not take up more of the time of the House, but simply to say, that he should second the motion.

The question of adjournment was then agreed to, *nemine contradicente*.

The motion for a call of the House on the 15th of November, was also agreed to, and the Speaker ordered to write circular letters to the knights, citizens, and burgesses, members of that House.—Adjourned to the 15th November.

HOUSE OF LORDS.

THURSDAY, NOVEMBER 15.

HIS MAJESTY'S INDISPOSITION.

The Lord Chancellor stated, that in obedience to the command of the House, he had written letters to all the lords who were members of the House, desiring their at-

tendance on this day, and that from some, he had received answers, stating, that from illness or other causes, they were unable to attend; his lordship concluded by reading a list of a few lords, who had sent excuses.

After a considerable interval, during which the house became very fully attended,

The Lord Chancellor left the woolsack, advanced towards the table, and addressed the House.—"My Lords, there being now a full attendance of your lordships, I trust you will indulge me, in allowing me to re-state from this place what I had the honour to state to the House on the 1st instant from the woolsack. It is my intention to conclude with a motion, and therefore I wish to make the statement from this place. My lords, when your lordships assembled on the 1st of this month, after it had been publicly notified that it was his Majesty's royal will and pleasure that this parliament should be prorogued to the 29th of November, and that a commission for such prorogation should be issued under the great seal, I then stated, that in obedience to his Majesty's commands, I had prepared a commission for such prorogation, but that in consequence of his Majesty's indisposition such commission could not receive his Majesty's royal signature; and I had not felt it consistent with my view of my duty to put the great seal to that commission, without his Majesty's sign manual. It is for your lordships to judge whether in this view of my duty I have committed any error. I do not mean to enter into the discussion of the question as to the legality of a commission having the great seal affixed to it, and purporting to have the King's sign manual, but which it had not received. I only mean again to state, that in my conception of my duty I did not conceive myself authorized to affix the great seal to the commission to which I have alluded, without the King's sign manual. My lords, I then stated what I am now anxious to re-state, that his Majesty's indisposition arose entirely from the pressure of domestic affliction operating upon his paternal feelings, and that the physicians then in care of his Majesty entertained a confident expectation of his Majesty's recovery. My lords, as the physicians then had a confident expectation of his Majesty's recovery, so they now also entertain a confident expectation of his Majesty's recovery, regard being had to his Majesty's time of life, and to his Majesty's former state of health. This is the unanimous opinion (I am anxious to state their own

words) not only of the physicians then in attendance, but of those whose care has since been thrown around his Majesty, and is given with as much certainty as can be attached to prognostics upon medical subjects. Those physicians also who now attend his Majesty, and who attended his Majesty on a former indisposition, state, that they see in the present state of his Majesty, all the symptoms of approach towards recovery, and none of the symptoms which indicate the delay of recovery. Upon the statement which I made on the 1st of this month, one of your lordships moved to adjourn for fourteen days, the shortest period within which parliament can by law be assembled upon any emergency for the dispatch of business; your lordships are now assembled in pursuance of that adjournment, and it is for the House to determine what course it is proper to pursue. Under the circumstances which I have stated, I trust in God, from the favourable symptoms of his Majesty's indisposition, that there will be no necessity for the adoption of any proceeding by this House to supply the defect of the royal authority; and I may be allowed to express my opinion, that the most delicate and proper mode of proceeding in the present instance, would be to adjourn for fourteen days. My lords, it is with feelings of affliction for the indisposition of his Majesty, in which I am sure all your lordships participate, that I make this motion, and at the same time in the confident hope that at the expiration of that period no proceeding will be necessary. His lordship concluded by moving an adjournment till this day fortnight."

The Earl of Moira. "My lords, I hail with joy, in common I am sure with all your lordships, the pleasing prospect held out to us by the noble and learned lord, of his Majesty's recovery. Upon a question of this nature, the important consideration necessarily must be, whether the temporary suspension of certain parts of the regal power will be of such essential injury to the public interests, that our public duty requires us to proceed immediately to make provision for the exigency. Conceiving, as I do, that no material inconvenience will result to the public interests from the delay proposed, I give my cordial support to the motion of the noble and learned lord."

Lord Grenville said, that he perfectly concurred in what had fallen from the noble earl respecting the comparison of inconveniences. There was, indeed, nothing before them but a choice of embarrassments: that was his opinion when

he heard the first tidings of this melancholy and afflicting event. He would not dwell upon this painful topic; not because he did not feel upon it most deeply, but because he knew that there was nothing that he could say that could add to the feelings of other noble lords. The noble and learned lord on the woolsack had hardly done himself justice, in intimating the possibility of a doubt on his own conduct. He was convinced of the purity of that noble and learned lord's motives and conduct on this trying occasion, in that particular point. No man, understanding the principles and practice of the constitution, and the proper uses of the powers of its respective branches, and with a just regard to truth and justice, could advise the affixing of the great seal of the kingdom, which purported to bear the royal signature, by any individual, during the present situation of the Sovereign. He should not have said this, had not something fallen from the noble and learned lord himself, which seemed to put the matter in doubt. The two houses of parliament had, he conceived, done perfectly right on their meeting, on the 1st instant, in instructing their Speakers to write to the respective members, requiring their attendance that day. Now, then, parliament was assembled for the first time this session to deliberate on what measures it might be their duty to propose. There was nothing he so much wished as to avoid even the shade of difference on this question, or any expression that might add to debate. He confessed, he thought it to be at present his public duty to yield his other opinions to the desired unanimity. He thought it a favourable circumstance, that there did exist on the journals a precedent of a mode of proceeding under similar circumstances. It was with the deepest regret that he should notice the slightest deviation from those forms; and more particularly in those points, which, upon the former occasion, were not matters of discussion, but were agreed upon unanimously. There was no mode, as he thought, of procuring unanimity, so likely as that of resorting to those forms of proceedings. With the cheering hopes held out to the House, (not indeed by any evidence or written documents, but) collected from the speech of the noble and learned lord, of the speedy deliverance and recovery of the Sovereign, he was ready to agree to the adjournment proposed. There was a great duty for their lordships to discharge, to his Majesty and to the people. He would rather err, however, on the side of forbearance

and delay, than on that of precipitation. That principle had formerly regulated the conduct of parliament. It was then thought best to make successive short adjournments, according to the circumstances of the case and the progress of recovery, as it gave to parliament, then become, as it was now, the guardian of the King's person and rights, the power of meeting all the exigencies that might arise. On that ground he should now have preferred a shorter adjournment, followed up by adjournments from time to time as the symptoms of amendment continued to appear. But, far be it from him to interrupt unanimity or provoke debate. There was a circumstance, notwithstanding, which he must notice, as there was in it a deviation from the former proceedings. It was now proposed to adjourn a fortnight, on the ground solely of the notification of the noble and learned lord in his speech. He remembered the day, one of the happiest of days, when the noble and learned lord who then sat on the woolsack, came down to that House to state the satisfactory intelligence of the improvement of the health of his sovereign; but when the House thereon adjourned but for a short time, they were assembled in parliament with a legal power. They were not so assembled at present. In the crown solely was vested the power of assembling the parliament; and except in a case of great and manifest necessity, if parliament acted otherwise, it would commit a breach of fundamental law. The two Houses of parliament were now met under a melancholy necessity, which rendered it impossible to obtain the royal signature. He would ask their lordships, with reference to their future proceedings, how the power could arise for the continuance of their sittings? Their adjournment was a continuance of their sittings. This could only be done by putting upon their journals the grounds distinctly upon which they superseded the privileges and prerogatives of the Crown. In other respects, it would be a breach of law to continue their sittings merely by their own authority. If, then, this can be done only on the necessity of the case, he would ask how that necessity was established? Such important transactions as these must be governed by a strict reference to the established principles of the government. This fact, of necessity, must be solidly proved and established on the journals of the House. How stood the case? It stood thus: that the melancholy fact of the suspension of the royal power was established only by the assertion of an

individual, the noble and learned lord. He entertained a great respect for that noble lord: he had a great respect for the high official station he held: but no individual subject in the kingdom was of authority enough to pronounce on the fact of the suspension of the royal capacity, for the exercise of the regal power. The estates of these realms were, alone, competent to do so. The statement of a noble lord, high in office, was not the best evidence that could be procured; and the best evidence should be given on such a subject. There was a better evidence to be got in this case: meaning no kind of reflection upon the noble and learned lord's statement. This led to another important consideration. If the power to adjourn arose from the royal indisposition, the act of adjournment proclaimed the fact of that indisposition: and then this fact is taken from the statement of a single individual, who, no more than any of his Majesty's subjects, has any right whatever so to pronounce. He trusted, therefore, that this adjournment would be considered in the same light as the short adjournment was in a former case. When the statement he had alluded to was made on that occasion, only two or three days were allowed to noble lords to make up their minds on that important question. In fact, only one sitting day elapsed between the notification of the calamity, and the day appointed for investigation. He trusted, therefore, that the present longer adjournment would not be considered as establishing the fact, or as giving their lordships' opinion, upon an individual declaration to incapacitate the Sovereign. Anxious for unanimity, he should vote for the motion with these views; otherwise he should overturn the principles on which the House had formerly acted. The King's ministers could alone pronounce on the state of the country, and whether the circumstances in which it was placed were or were not such as required the immediate attendance of parliament. In proposing this adjournment, they took upon themselves a heavy responsibility, which, he doubted not, they felt themselves prepared to justify to their own minds and to their country. He should now only offer up prayers to Almighty God, that this may be the last occasion for any similar adjournment; and that such circumstances may providentially arise, as would restore to his Majesty the exercise of the kingly power, and to parliament the regular use of its ordinary functions, instead of their assembling as a convention of the states of the realm. If,

however, the latter of these alternatives should unhappily take place, he was prepared to say, that they must then lay down for their regulation the principles which he had stated, and act upon those precedents which had been already laid down. In the mean time, he for one should give his assent to the present motion.

Earl Stanhope declared, that all he wished was, that the House should lay down the constitutional grounds of its present proceedings. And first he would put a question to their lordships, and ask them, by what authority they were here? He did not wish or intend to usurp any authority not given by the constitution, and therefore he thought that regular and constitutional grounds ought to be laid down why the two Houses met at all. It was true, they had been invited here by the circular letter of the noble and learned lord who occupied the woolsack; but, as was most correctly stated by his noble relative, the parliament was not met. True, the estates of the realm were met; but how could parliament be assembled, but either by the royal authority, or by a necessity superior to all law? In his opinion, therefore, what ought to be done first, was to authenticate and regularly bring before the House that fact which established the necessity for the present meeting. If he at all consented to the present motion for adjournment, it should not be for the sake of unanimity alone; but for this reason, that from the very short notice of the former meeting, and from the shortness of the time that has since elapsed, a number of peers may not have been able to come up from the distant parts of the country, and therefore would probably wish for some farther postponement; but principally because he thought that they had no right to meet at all.

The Duke of Norfolk expressed his strong concurrence in the propriety of the motion now before the House, and the satisfaction which he felt in learning that confident hopes were entertained of his Majesty's speedy recovery.

The Lord Chancellor observed, that before he proceeded to put the question to a vote, he was anxious to say a few words in answer to the observations that had fallen from the noble baron. And first on the subject of the responsibility under which he acted, in the high office which he had the honour to fill, he was not afraid to use the language he had done, when he recollected that parliament had been opened without the sign manual of his Majesty, and that by a

chancellor of great name. That being the case, he had thought it his duty to the House to submit whether he had done right or wrong in acting as he had done on the present occasion, though he himself certainly entertained no doubts on the subject. Unquestionably under all the circumstances, it was impossible for him to think of affixing the sign manual to the commission for proroguing parliament. With regard to the proceedings in 1788, it would be recollected that parliament did adjourn for the first fortnight, on the ground of the necessity of the occasion; and there were circumstances in that case which could not be altogether followed in the present. On that occasion his Majesty had appeared indisposed on the 22d of October, and parliament had been summoned for the dispatch of business on the 20th of November. It met accordingly; when it was proposed that it should adjourn for a fortnight, there being no commission or speech from the throne to open the causes of the session. That proposition was acceded to, and parliament accordingly did not adjourn from day to day, till it was regularly opened. The great difference between the two periods was this, that in the former they would find it expressly stated, that parliament was then to proceed to the dispatch of business, while that was not the intention now. He totally disclaimed his ever having entertained the idea that his personal statement in that House could be considered in the light of a parliamentary document. Under all the circumstances, he thought that the course which he had proposed to the House was constitutional in its nature, while at the same time it was most respectful to his Majesty.

Lord Grenville replied, that he was not distinctly aware of the precedents alluded to by the noble and learned lord, but that the only precedent strictly in point, was that of 1788. At that period, under circumstances similar to those which led to the meeting of the two Houses on the 2d ult. that great man who was then at the head of the government felt it to be his duty to take every step that might lead to the fullest possible attendance of the members. When they met on the 20th November, 1788, the adjournment of a fortnight was proposed and adopted, in order to procure a still more general attendance. The government of that period knew the importance, and was sensible of the responsibility of their proceedings. It was incumbent on the two estates of the realm, in the absence of the third, from whatever cause that absence might proceed, to ascertain

it by examinations taken at their bar, to be informed of all the circumstances of the case, by the evidence of the physicians attending his Majesty in his present lamented malady, before they could constitutionally exercise any one of the functions of parliament. At all times extreme caution was necessary, whenever the kingly office might be suspended, that the estates of the realm assembled without the immediate authority of the Crown, should strictly define their powers, and understand the necessity which can alone justify them in adopting any measures consequent upon such a state of things. He could not imagine a precedent more dangerous, more fatal to every principle of the constitution, than that of any ministers daring to dispense with the royal authority, except when urged by the most pressing and manifest necessity. Beyond this, not a day, not an hour should be lost in supplying the natural defect in the exercise of the royal functions, and in constituting a legitimate parliament. He repeated his most ardent wishes for the re-establishment of his Majesty's health; but if that should not be among the blessings destined for the country, it was the solemn duty of government, without delay, to take such measures as might lead to the renovation of the kingly office. The character of the times, and the state of national affairs, added inexpressibly to the awfulness of the charge with which ministers were invested. These were topics, however, on which, as he had already declared his intention of not opposing the motion of the noble and learned lord, he would not then expatiate. He was desirous of not interrupting the unanimity which appeared to prevail in the House on that question, and was content with this expression of his sentiments on a point of vital importance to the dignity of parliament and the welfare of the country.

Lord Liverpool rose, and said, he trusted that he could defend the conduct of ministers on the present melancholy occasion, in reference to all those points which had formed the prominent features in the observations of the noble lord who had preceded him. When attention was paid to the peculiarity of the crisis, when it was recollected at what a period, and under what circumstances the two Houses were convened, it would be seen how impossible it was for ministers to have extended the circulation of the notices, for the purpose of procuring a larger attendance of the members. In 1788, the two Houses met on the day to which they

were prorogued by the last declaration of the royal pleasure and authority. They then immediately adjourned for one fortnight, as an act of decorum and respect, as an example of that propriety which he hoped would always characterize their proceedings. The recovery of his Majesty from that affliction which all men joined in deploring, was not at that moment an object of such confident expectation as he was happy to pronounce it now. No deviation had taken place from the course pointed out on that former occasion that exhibited any departure from its principle, or originated in any thing but the distinguishing circumstances of the two cases. On the contrary, he was prepared to approve of the proceedings of that period, and to consider them as a guide on every subsequent recurrence of a similar calamitous suspension of the royal functions. He agreed with the noble lord (Grenville) on the obligation by which the two estates of the realm assembled without the presence of the Sovereign, were bound, before they proceeded to the transaction of public business, or to discharge the functions of parliament in any way, to ascertain by real evidence the state of the King's health, and the extent of his incapacity to perform the duties of his high office. For this purpose his Majesty's physicians should be examined at their bar, according to the precedent of 1788; but, adhering to that precedent, it was incumbent on them previously to establish the necessity of such a proceeding, a necessity which he could not bring his mind to believe was of a less imperative nature than the necessity described by the noble lord (Grenville). The circular notices which the noble lord contended had not been generally sent to the members, were, however, sent as widely as the novelty of the difficulties which occasioned their assembling permitted. It was not known to ministers that the sign manual could not be affixed before it was too late to extend their notices beyond a limited distance. Neither did he perceive the utility or any object of importance that would have been obtained by a larger attendance on that day from which they had adjourned. His Majesty had then been afflicted but for a short time with the malady in its full severity, and it would have been impossible, even had the meeting of the House been as numerous as it was on the present day, to have adopted any step but that of adjourning for a definite period. This was a step prescribed, as well by the great precedent of 1788, as by respect for his Majesty, and a due regard to the constitutional character of

their own proceedings. No difference of opinion whatever had existed on this point, or could possibly have existed, had the attendance been more general than it was. The question for the House now to consider was, whether on a comparison of the circumstances attending the motion that had been made by his noble and learned friend (lord Eldon) with those circumstances that distinguished the period of 1788, when, after a fortnight's adjournment, the two Houses assembled on the 4th of December, that motion was not clearly and fully supported by the obvious difference which the two cases exhibited. The principal ground of the adjournment in the former case had been the hopes entertained of his Majesty's speedy recovery, a ground similar to that on which they had recently adjourned, and one that was now in a peculiar manner applicable to their proceedings, when the grateful intelligence of his Majesty's rapid convalescence, and the symptoms of his returning health, were taken into consideration.

Lord Grey.—"My lords, notwithstanding my original intention of taking no part in this debate, and of expressing no opinion on the policy and grounds of the motion which it has been thought fit to submit to your consideration, and on which so much unanimity appears to prevail, I am induced to rise and signify my entire concurrence in the sentiments so ably delivered by my noble friend (lord Grenville), sentiments at all times of importance in a constitutional point of view, but which derive new weight and interest under the existing circumstances of the country.—The two estates of the realm can have no legitimate existence, no ability to legislate, no authority to act, when unaccompanied at their assembling by the crown or its appointed representatives. Such is the doctrine of the constitution, by which the royal functions are inseparably connected with the powers and authorities of the two houses of parliament, a connection essential to the constitution, and to the support of the government of these realms. The noble lord who spoke last, has given us some information on the proceedings of 1788. My lords, those proceedings were of a nature formed to make a deep and lasting impression on the minds of all those who participated more immediately in the responsibility incurred on that occasion, and of all those likewise who took any share in the discussion to which they gave rise. I was then in parliament, a member of the other House, and attended with an anxious interest to the course and

progress of those discussions. To many of the noble lords who now hear me, the retentive memory and accurate knowledge of the noble lord are equally superfluous. They require not to be imbued with information, of which their minds are already in possession, and which no length of time can obliterate or efface. They cannot forget, any more than myself, those memorable events, and are conscious of too minute an acquaintance with their causes and effects to need the aid of the noble lord's superior powers of recollection. Desirous as I am of not interrupting unanimity on this occasion, I shall forbear to oppose the motion before the House. I cannot, however, omit to make a few remarks on the speech which we have just heard, and which appears to me to contain matter of the most serious import, and to involve principles of a very pernicious tendency. The noble lord denies that any material deviation had taken place from the line prescribed by the precedent of 1788, and adds that it was his peculiar wish to see assimilated, as nearly as the difference in the circumstances of the two cases might admit, the conduct to be adopted at the latter to that adopted in the former period. My lords, after the lapse of so many years, after the extinction of those animosities and dissentions which prevailed at the time alluded to, now that the differences which then subsisted are no more, I am ready to declare that all the preliminary steps taken in consequence of an event of the same melancholy nature, as that which we now lament with feelings that are universal, were wise and prudent, conformable to the dictates of a sound and well-exercised discretion. But I will not go along with the noble lord in bestowing my approbation upon the whole of that proceeding or the policy and views by which it was directed. The noble lord has greatly erred in stating (and as if for the purpose of stating more precisely) the real grounds on which the two Houses did, at their meeting in November 1788, agree to a fortnight's adjournment. The expediency of procuring a more general attendance was the alleged reason for proposing that measure, an expediency which was acknowledged on all sides and by all descriptions of men. The adjournment was carried, and a call of the House took place. Such were the broad lines of distinction between the conduct of the government of that day, and the government of the present. By what rule the circulation of notices was guided or limited, I have not been able to learn; but from some particular

instances thathave come to my knowledge, I cannot give ministers any credit for their selection.

My lords, adverting again to the observations of my noble friend (lord Grenville) in the early part of the debate, I certainly think that had ministers affixed the great seal, under the circumstances of the suspension of the executive power, or if they had ventured to do any act which by the constitution can only flow from the exercise of the royal functions, they would have merited the strongest reprehension of every reflecting man, and that the indignation of the country at large would have been most justly excited. Now indeed that we are assembled, and in considerable numbers, I cannot but entertain very serious doubts of the propriety of so long an adjournment as that which has been proposed. Already above a month has passed, and the duties of the kingly office have not been performed. Is not this, my lords, in times like the present, a matter deserving of grave consideration? Should the ardent prayers, which in common with all classes of his Majesty's subjects I devoutly offer to Almighty God for his Majesty's restoration to health be heard, have we that prospect of a full and entire recovery which we entertained in 1788? At this period it is unquestionably desirable that all the energies of the royal mind should be awakened. I am sure no man can feel more sensibly than myself the distressing calamity that has befallen his Majesty, or can send up more eager wishes for its removal. But at the same time, I trust that the House will not shut its eyes to the calculations of probability, and to the actual condition of the country. Let the House reflect well on the state in which the empire is placed. The time is come when all personal objects must be sacrificed, all party contentions cease. The functions of the royal power are sacred, and the duties of parliament equally so. It must now become the great end of our exertions and deliberations to preserve in full vigour both the one and the other, and to submit every minor care to the important purposes of preserving the integrity of the constitution, and of establishing the interests of the country."

Lord Viscount Sidmouth, adverting to the precedent of 1788, observed, that on the first assembling of parliament on the 20th of November, there was, in consequence of previous notices, a very full attendance; but that in the present instance it was impossible, from the shortness of the time, to circulate notices, except within the limits of a

short distance from town. If, however, within that distance the notices were partially circulated with the view to select particular individuals to attend, such conduct would be highly reprehensible. There could be, however, necessarily but a few persons who could attend on the first of this month; and he considered the present assembling of the estates of the realm, as similar to that which took place on the 20th of November, 1788. Upon the present occasion they had the most gratifying assurances of a confident expectation of his Majesty's recovery. He therefore assented to the motion for adjournment, trusting that no further proceeding would be necessary. Should any further proceeding be necessary when they met again, which God avert! it would then be requisite to have proof of the facts before them, and he thought the precedent of 1788, that which then ought to be followed.

The Lord Chancellor put the question of adjournment, which was agreed to; and the House adjourned till this day fortnight, the 29th instant.

HOUSE OF COMMONS.

THURSDAY, NOVEMBER 15.

HIS MAJESTY'S INDISPOSITION.

The Speaker took the chair at half past three. Several members were sworn and took their seats.

The Chancellor of the Exchequer then rose, and spoke in substance as follows:—The House being again assembled without any notification of his Majesty's royal pleasure, and in pursuance of the motions made on the last day of their meeting, I am anxious once more to offer to their attention such observations as present themselves to my mind upon the subject which then brought them unexpectedly together, and which led them to determine, as soon as met, upon an immediate adjournment to this day.—The peculiar and afflicting circumstances which influenced the House, at that time, to adopt unanimously the course of proceeding which I took the liberty of then suggesting, will, I trust, be now thought to have warranted the line of conduct which was then pursued: from that mode it is not now my intention to depart; and therefore, after having simply stated to the House, such observations as appear to me to contain in them sufficient grounds and justification for a

similar motion this day, leaving it with the House to decide upon their adequacy, I shall move that the House, at its rising this day, do adjourn till the 29th of this month. And here, Sir, I confess, that upon the last day of our meeting, I should have felt myself much disposed to have submitted to the consideration of the House, the propriety of their even then adjourning over to the period I am now about to propose, had the members been then assembled in sufficient numbers, or had I thought sufficient time and notice had been given upon a subject of such paramount interest and importance; as, however, their assembling on that day was so sudden and unexpected, as so short an interval had elapsed between their meeting and their knowledge of the afflicting circumstances that made that meeting necessary—as their numbers were not, nor could be, as great as was desirable, and that many gentlemen were absent whose advice and experience might be found so beneficial—under all these circumstances, I conceived that it would not be prudent to proceed to the adoption of any other course than that of adjourning over for a period sufficient to carry into full effect the measures necessary for ensuring upon this day a competent attendance. In the propriety of this opinion, the House unanimously concurred with me; and if there could then be any reasonable doubt of the propriety of such a course of proceeding, then I think there is as little reason to question the propriety of a similar proceeding now, as I do not imagine that the House would either then or now, under the circumstances which then existed, or the aspect which those circumstances have since assumed, think itself justified in commencing at once to do business, or (in such a stage of those circumstances) proceeding to originate any great public measure. I should think rather that the House would consider more immediately, what ought to be done in the present instance, as matter of regulation. In the former case, not conceiving that we were furnished with the information necessary to justify any proposition limiting the period at which we were to commence to do business, I contented myself with merely moving an adjournment. I presume it is not necessary for me now to detail the circumstances which then induced the House to adopt the proposition of adjourning till this day; it will be enough to say, that the feeling of the House in adjourning over for the space of a fortnight, obviously was for the purpose of having the advantage of whatever circumstances might occur in that interval—the same

reason held now—nothing having occurred since that adjournment, which was of a nature to call for any immediate parliamentary interference, but rather the increase of the probability that no such interference would be necessary.—There is another consideration which I have no doubt will have its due weight with the House; before the present heavy calamity had visited the nation, his Majesty had furnished us with official proofs of his intention further to prorogue the parliament till the 29th of this month, as appeared from the royal proclamation. I am sure, that in this and in every part of this afflicting question, the House will feel anxious to adopt that course of proceeding which, under such circumstances, they would think best calculated to meet his Majesty's ultimate approbation. I am not aware of any pressing exigency requiring the meeting of the parliament before the day stated in the proclamation. I know of no public reason to meet earlier, unconnected with that great public misfortune, the illness of his Majesty. If the House were now disposed to let the same interval elapse again before they proceeded to any measures of permanent regulation, in my view of the question, they would be sufficiently justified upon the same grounds on which they had recently proceeded; but if there can exist a doubt as to the propriety of such proceeding, then I should think none will remain as to what we should do now, when I have communicated to the House the intelligence I have in the course of this day been possessed of, and which I shall feel so much satisfaction in stating. Having felt it my duty to have the best information on this afflicting subject, I have to state, that I this day repaired to Windsor, for the purpose of ascertaining the present state of his Majesty's health—I there saw the physicians, and I have the pleasure of acquainting the House, that all the physicians were unanimously of opinion, that his Majesty's health was in a state of progressive amendment—[*Hear! hear! hear!*] and also, that that progressive amendment had already actually begun to take place. [*Hear! hear!*] That this statement cannot be other than most grateful to every gentleman who hears me, I cannot for a moment permit myself to doubt. [*Hear! hear! hear!*] It is, then, under circumstances so consoling, so cheering, that I now suggest to the House the propriety of waiting the more decisive issue of this favourable turn which the short lapse of the same interval

may afford us. We have good grounds for indulging in the best hopes that that interval will be productive of that fortunate issue, for which the wishes and the prayers of the country have been so earnest; and, on the other hand, I see no ground for apprehending the occurrence of any pressing exigency requiring the meeting of parliament before the expiration of that interval; unless, therefore, circumstances of extraordinary and paramount urgency had occurred, during the period of the late adjournment, requiring the immediate aid and operations of parliament, I do not see how the House can be expected to proceed forthwith to the dispatch of the public business: but when the existing circumstances are of a nature so different—when they are calculated to encourage expectations the most consoling, I feel confident that the House will, in a crisis of such delicacy, forbear to institute, as yet, any great public measure whatever. With these impressions, and under such a view of the subject, I shall now move, "that the House do, at its rising this day, adjourn to this day fortnight."

Mr. Whitbread said, that in the few observations he was about to make upon what had fallen from the right honourable gentleman opposite to him, he would have it understood that there was no man who participated more than he did in those sentiments of satisfaction which the prospect of his Majesty's speedy recovery must so generally inspire—while, however, he was, with all others, most anxious for the complete restoration of his Majesty's health, and while he felt as much as any man on account of the serious attack under which he laboured—he was not, however, to forget that there were at the same time other duties and considerations which were not to be wholly overlooked. The right honourable gentleman had acknowledged that he had felt himself much disposed, upon the last day of their meeting, to have proposed an adjournment to the full extent of what he now asked—it was, perhaps, as well that the right honourable gentleman had not acted up to that inclination; for had he done so, had he ventured to have submitted such a proposition to the House, he (Mr. Whitbread) felt persuaded that the House would have rejected it. As to the attendance upon that occasion, he not then being present, could not speak; but as to the question of sufficient notice, whether there was time or not to order letters to be written to every member, he could only say, that if there was time

to summons, the summons ought to have been general; and if there had been an opportunity to give due notice to one, why not to all?—[*Hear!*] This, it was clear, there had been sufficient time for doing; and he thought that ministers, in omitting to do so, had not done their duty to the public. [*Hear!*] With respect, however, to the proceedings on that day, he acknowledged, that under the same circumstances he would, had he been present, have voted for the adjournment for a fortnight, in order to afford that time for ensuring an adequate attendance. That object had been fully accomplished, and they were now met, for the first time during the sessions. This was virtually the first day of the sessions, for their former meeting was avowedly for the purpose of adjourning over. And upon this, the opening of the sessions, they met under the alarming circumstances of his Majesty being no longer in a state to transact business. And yet they were now asked not to proceed to provide against so serious a deficiency in the conduct of the government, but to adjourn over for another fortnight. Where there was an actual physical necessity, no doubt it must be yielded to; but what was the urgency of the necessity then requiring them to suspend the executive government for another fortnight? The constitution was suspended—it existed not separable from the executive power of the King—and yet they were now called upon to continue the suspension of the constitution for another fortnight—and upon what ground—upon what authentic testimony—upon what recorded evidence—was it that they were now asked to do this? Upon no such ground—in short, upon nothing but the bare, unrecorded statement of the Chancellor of the Exchequer! *(Hear! hear!)* Was it upon such matter as that, they were required to ground a parliamentary proceeding, in a crisis of such importance? Why had not the privy council been assembled, and the physicians examined before them? or, if that had been done, why was not the evidence of those physicians laid before the House, to enable it to form its own judgment, instead of being obliged to hazard conjectures upon the mere assertions of a member of parliament? *(Hear! hear!)* In their ordinary course, that House was not in the habit of grounding their proceedings upon mere vague assertions, coming from any individual. He would ask if it would not seem strange, in a business of the utmost moment, to depart from that rule which governed them uniformly on

other less important occasions, and to be content with less satisfactory grounds of proceeding; in a case where the most authentic and conclusive ought alone to be admitted? They were now, after one adjournment, going to adjourn again, without any necessity for either appearing recorded on their journals. This was not consulting the importance of the crisis, nor the dignity of their own proceedings. He felt, as much as any man, the delicacy of the question: the people, no doubt, were unanimous in one common sentiment of personal respect towards the King; but they also felt, as indeed indispensably connected with that sentiment (if not in a great degree giving birth to it) a due respect for the kingly office itself. Were it possible for his Majesty to have had in contemplation, that a calamity so heavy would have fallen on him, who can entertain a doubt that he would not have enjoined his ministers to take, without delay, the most summary method of supplying the defect, occasioned by his melancholy illness?—and was it acting up to what might so fairly be supposed to be the wishes of his Majesty, by again deferring the prosecution of the public business?—They were now proceeding to adjourn for a fortnight—to do without the kingly office for that period—and all this, with their eyes open to the present alarming state of things, and their too probable consequences. This was so wrong in itself, that precedent could not justify it. But there was, in fact, no precedent: for the times when the executive government was allowed to be before temporarily suspended were so essentially different in every respect from the present, that the proceedings of that day could not be produced now as a precedent applicable to the present period: then we were at peace—now we were at war: then was a time of confidence—the present times were pregnant with perils, alarm, and despondency: they knew not what a week, a day, might produce. There was another consideration also which he would willingly pass over, anxious as he was upon such a topic to avoid every allusion that could be thought invidious. He could not, however, help reminding them, that at that day Mr. Pitt was the minister; and they all knew who were now the ministers. They who, like him (Mr. Whitbread), had generally opposed their conduct as ministers, even when acting under the controul of the kingly office, could not be thought willing to allow such ministers to continue in power after that salutary controul had been removed. He

asked the House, if, in such circumstances, they would come to pass an order for further suspending the executive government?—Was that the duty of the House of Commons?—He certainly thought it was not—that such a proceeding would be a violation of their duty. He thought that under such circumstances it did not become them to adjourn for more than from day to day.—The two Houses of parliament (he prayed God that he might soon say, the parliament itself assembled) ought to take the speediest and most effectual method to provide a remedy against the recurrence of that calamity which was now to be so generally deplored. It ought to have been provided before. He could not conceal from himself the present alarming state of things—he could not conceal from himself that the misfortunes of 1788, great as they unquestionably were, were yet, both as to themselves and their consequences, but minor calamities compared with those of the present times—but still there was another point in which the precedent then furnished had been in the present instance departed from—then the Lord Chancellor, Thurlow, (if he was in error he was open to correction) had announced to the other House of parliament that he had, on that day, seen his Majesty—but the right honourable gentleman had only seen his Majesty's physicians. He had stated what, no doubt, gave them all cordial pleasure, of the opinions of those physicians as to the King's appearing to be in a state of progressive amendment; but there the right honourable gentleman stopped. He did not state nor hold forth any hope of the period at which we might reasonably expect his Majesty's complete restoration to the discharge of the royal functions; would it not have been but consulting the decency of the House of Commons to have laid before them a report of the examination of the physicians before the council? ought not such an examination to have taken place? might not means be resorted to for putting the House in possession of that information, so as they may record the necessity that influenced their measures? He thought they might, and that too without any infraction of delicacy. In that case they would have sufficient grounds to go upon, but in the present there were not sufficient. No parliamentary proceeding in a case of such importance ought to be grounded upon the mere assertion of one of their own members; they were to consider not only the King, but the people, and both in reference to the other;

the people had a Sovereign whom they loved, and the King had a people whom he loved; that House should look to the interests of each, in order best to discharge their duty to both. He need scarcely repeat the regret he felt for the severe afflictions of the King; his sense of them was such that he could not conscientiously agree to the House adjourning over for more than from day to day. In case of any event, which God forbid, the House ought not to extend their adjournment to a longer interval at such a crisis. He did not wish to distract or to divide—to create either jealousy or anger—but at a period when the country was deprived of the executive part of the government, he must enter his solemn protest against any measure that would for another fortnight continue to deprive them of the aid and councils of the remaining two branches of the legislature, though he would not divide the House upon the question.

Sir Francis Burdett said, that agreeing as he did in the greater part of the observations which had fallen from the honourable gentleman who had just sat down, he was determined not to let the question go to a decision without dividing the House upon it. The motion now submitted to them he conceived to be one of the most irrational and unconstitutional propositions ever made in that House. He would never consent to compromise the constitution. Had he been present on the last day of meeting, he would have opposed every motion for adjournment. The constitution was suspended, and he would not have agreed to a moment's delay, till that constitution was restored; but now, after that delay—after deferring so long their duty to the people—were they now still further to postpone it for another fortnight? But the time was not of such importance as the principle. What principle was this mode of proceeding calculated to establish? Could the public business go on without the executive government? If it could not, why, at such a period, is it to be deferred? and if it could, were ministers anxious to convince the people that the executive branch of the constitution was a mere nothing? Was there any proceeding more likely to bring that part of the constitution into contempt? Was it not holding it forth to the country as a mere farce? Were the people to be told, that in the votes of both Houses only consisted the Constitution—that the Crown might be placed on a cushion, or elsewhere, while the two Houses had in

themselves all the virtual government and constitution of the country? If the present predicament was an awkard one, it was so because the House had not, in the first instance, done its duty, and not because the line of their duty was doubtful or difficult to discover. As to the mode of proceeding which they ought now to adopt, there could be no doubt or difficulty about it. He felt for the personal sufferings of the King, as every man must feel; but they need not, nor they ought not to interfere with the discharge of their duty both to the King and the people. He felt for the King, but he felt more for the perils of the country. Was it treating the House of Commons with common decency, to call on them to postpone their duty to the people at a period of such emergency, upon the mere *ipse dixits* of the Chancellor of the Exchequer? As to the distinction of seeing the King's physicians, and not the King himself, it did not weigh with him, because in either case it would have been but the mere assertion of an individual, and therefore no ground for parliamentary proceedings. Let the individual assertion have been what it might, he would have voted the same way. He would never agree to compromise the duties of that House to the constitution, nor willingly submit to any power extended beyond it. The act passed by a very prevalent and powerful faction against his Royal Highness the Prince of Wales, never should have had his sanction; an act that put him into leading-strings, that threw him back into the stage of infancy, and made him a sort of constructive lunatic, enacting him incapable of acting or of judging without the co-operation and controul of certain of the legislators; as it were stultifying him this moment, when the next, by the laws of the land, might have raised him to the crown of these kingdoms, and have lifted him out of a cradle to have placed him on a throne. The same course was about to be adopted, as far as in them lay. He would resist it; and if he stood alone, he was determined to divide the House. If the ministers were resolved, at the risk of the country's safety, at all hazards, to prolong to the utmost limit the tenure by which they held their places and their power, they and others might do so; but he would not go back to the people to tell them that after the constitution had been suspended for a fortnight, he had voted that it should be suspended for a fortnight longer. A state of anarchy had existed sufficiently long. He would do what he could to restore to the people the government of the constitution.

Mr. Tierney said, in the particular circumstances in which they then stood, he thought the Chancellor of the Exchequer ought to have laid a better foundation for the proceeding which he had submitted to the House. He could not understand what the right honourable gentleman himself could gain from the course which he was pursuing. He had exposed the House to divisions on a subject, with respect to which it was particularly desirable that there should be no differences. He did not doubt, however, but the right honourable gentleman had acted in conformity to what the mature reflection of his own mind had pointed out as his duty. But he (Mr. Tierney) could not take the bare word of any man, as a proper ground for a parliamentary proceeding. If the right honourable gentleman himself had submitted to be examined—if he had stated the questions which he had put to the physicians, and the answers which had been returned to his inquiries, this, though hardly sufficient, would have been something; the House would have some authentic ground for whatever steps it might be disposed to adopt. But now, when providence had deprived them of a king, they were, by their own act, to deprive themselves of a parliament. This, he contended, was monstrous; and he could not agree to place the country in such a situation. He could not understand what advantage could be derived from this course, which was directly in the teeth of the precedent to which the right honourable gentleman had referred. Where, as his honourable friend (Mr. Whitbread) had justly stated, could have been the difficulty of having had the physicians examined: with the nature of the King's malady staring him in the face, how could he agree to adjourn for a fortnight, without any regular and authentic assurance, that there were strong grounds of hope, that, at the close of that period, his Majesty would be in a situation to perform the duties of his office? There were a variety of other topics pressing upon his mind, as they must be upon the minds of all; but upon these, under the present circumstances, he thought it better to abstain from touching. But this he wished to state as his opinion, that the right honourable gentleman had laid no sufficient grounds for the proposition which he had submitted to the House.

Lord A. Hamilton could not allow this occasion to pass, without stating his opinion; but in doing that, he would exercise every possible delicacy. The question now was,

whether, in the absence of the executive government, they were to suspend the remaining branches of the legislature for a fortnight. He could not hesitate to give it as his decided opinion, that the House should only adjourn from day to day. At a moment when they had the misfortune to be deprived of the executive power, why should they themselves place the country in a situation of greater danger, than the circumstances rendered necessary? Unless he had misunderstood the right honourable gentleman, he had urged, as a reason for adjourning now, that such had been the original intention of his Majesty, as appeared from the proclamation. That proclamation, however, was nothing, without a commission to prorogue; but, at any rate, he could not believe that such could have been the intention of his Majesty, if the calamity had been foreseen. He was fully aware of the delicacy of the subject; but, under all the circumstances, he was compelled to vote against the adjournment.

Mr. Fuller stated, that under the melancholy circumstances in which they were placed, he was strongly disposed to assent to the adjournment. If any great disadvantage should result to the country from such a course, he acknowledged, that in that case it would be improper to sacrifice the interests of the country. But he was far from being convinced that any serious inconvenience would result to the country from this short adjournment. The enemy could not derive any advantage from this delay. It was well known that he could hardly send a ship to sea; and he hoped the French were now retreating before Lord Wellington.

Mr. Ponsonby observed, that not having been in the House when the Commons met, a fortnight ago, he had not till now an opportunity of giving an opinion on this most momentous subject. If he had been in the House, however, he could then hardly have objected to the adjournment, which had been proposed and agreed to. Those who were present could only adjourn, and wait for a fuller attendance, before any other step was taken. If his Majesty's ministers then proposed to adjourn, without laying those grounds for the proceeding, which ought generally to be stated in order to warrant an act of the House, they were excusable, from the particular circumstances of the case. But when it was proposed now to adjourn for another fortnight, the

reasons for it ought to be strong, and brought before the House in a much more authentic and solemn manner, than that to which the right honourable gentleman had chosen to resort. The right honourable gentleman knew well that they were now sitting, not as a parliament, but as a convention. He knew well that there could be no parliament, properly speaking, without the third estate. He must be aware that it was a constitutional principle, that the two Houses of Parliament could only act when called together by the King: and that no exceptions could be admitted, unless in cases of paramount necessity. The right honourable gentleman proposed an adjournment for a fortnight; and his allegation to support that proposition was, that the physicians had assured him that his Majesty's malady was abating, and that he was in a state of progressive amendment. He (Mr. Ponsonby), however, felt a strong indisposition to take the bare word of any member of parliament, or of any minister of the Crown, upon this subject, as a foundation for the proceedings of the House. The principle of the constitution was first to establish the necessity, and then to take the necessary steps. The declaration of a minister was not exactly what would justify them in taking the fact of the necessity as established. In saying this, he did not allude to any one minister more than another. The observation applied to the office of Minister. The House ought to look for better evidence. Even if one physician were examined, it would be something; and if he established the necessity, the House would then proceed to act accordingly, and he himself would have been happy to second the motion for adjournment. But the conduct of the right honourable gentleman placed him in a most painful and difficult situation. In the present state of their information, he felt great reluctance in complying with the motion; and yet, as the certificates of the physicians, promulgated to the public, gave hopes of a speedy termination of his Majesty's malady, and stated that a change for the better had already taken place, and that the amendment was progressive, he found a difficulty in point of delicacy in withholding his assent. The strict principle of the constitution would undoubtedly require, that before the House proceeded to act under the present circumstances, the necessity should be formally and solemnly proved. But if they refused to adjourn, after the hopes held out by the certi-

ficates of the physicians, the country might perhaps think that their conduct was wanting in that respect and affection, which they ought always to entertain towards his Majesty. He yielded to no man in respect and affection for his Majesty; but the situation in which he was placed, was to him most painful. The right honourable gentleman proposed to adjourn for a fortnight, because it had been the original intention of the King to prorogue till the 29th of this month. But the intentions of his Majesty when in perfect health, and in a condition to discharge the duties of his high office, could not decide how the House ought to act now, when he was incapable of determining upon the affairs of his realm. If the right honourable gentleman had moved an adjournment only for a week, he should have found much less difficulty in acceding to the proposition. If his Majesty continued to improve, they might then adjourn for another week. But suppose his malady took a decided turn for the worse, he believed that then the right honourable gentleman himself would regret that he had proposed to adjourn for a longer period than a week. He (Mr. Ponsonby) was therefore anxious that the House should not adjourn for more than a week. But if the right honourable gentleman was determined to press his motion, strongly as he felt the propriety of adhering strictly to the constitutional principle, he thought it of so much importance that the House should not appear to be wanting in respect and affection for his Majesty, that he would not vote against the proposition.

Mr. Canning admitted that this was a question on which it was possible to entertain different views without impeachment of motives in any quarter. The honourable gentleman opposite seemed to think that, as the House had met, it was its duty to proceed to some act of business. This, however, was a matter of discretion. It had the alternative of adjourning, and this they were now called upon to adopt. If they were to proceed to do any other act, then, indeed, he should be of opinion, that a much more particular, correct, and authentic statement ought to be laid before them. But to proceed now to examine the physicians before the adjournment, was directly contrary to the principle for which the gentlemen on the other side contended. The precedent of 1788 was not the only one in the memory of them all, which applied to the present circumstances. They all knew that at one period, when

parliament was actually sitting, his Majesty had been indisposed, and bulletins had been issued respecting the state of his health, and yet the legislature had proceeded with the business of the nation, notwithstanding that indisposition. If the House, however, were now to institute any proceeding, he thought that a much more accurate and authentic information ought to be produced. But a doubt having been brought home to their minds, and a most satisfactory doubt, whether any act would be necessary at present to supply a deficiency in the government, it became a question whether at this moment the House would take any step whatever further than to adjourn. They were now required to refrain, upon hopes held out that they would be relieved from the task of adopting any measures at present with respect to the executive authority. It was no dereliction of duty in the House to wait for a short time, to see whether its interference would be necessary. Nothing was asked but a short interval to determine that point—nothing but a short space to ascertain what turn the malady would take—*Spatium requiemque dolori.* This, under the circumstances, he thought it advisable to grant, and would, therefore, support the motion for adjournment.

Mr. Tierney, in explanation, disclaimed any idea of an examination of the physicians by parliament. All that he and his friends contended for was, that they should have a regular and authentic assurance that there was a reasonable prospect of the speedy termination of the King's malady. The examination might have taken place before the privy council, and nothing more need have been given to the House than the general result. He implored the House not to think that they had contended for an examination of the physicians at the bar. They had required nothing more than that a proper ground should have been laid for the step which they were called upon to take.

Mr. Canning said, that he had understood the right honourable gentleman, and had given his observations their fair meaning, and with that the explanation concurred. They thought the House ought to do no act in the present circumstances, merely upon the Chancellor of the Exchequer's information. The Chancellor of the Exchequer proposed to do nothing more than to adjourn, and this, under all the circumstances, he thought the House might do, even upon such information as they possessed. But if the House had been called upon to adopt any other proceeding,

his (Mr. C's.) argument was, that much more authentic and regular information ought to have been produced.

Mr. Charles Wynne thought it a compulsory duty on the House to see what was its real situation, whether it was to be considered as a parliament or a convention. The right honourable gentleman (Canning) had adverted to the precedent of 1804; but that did not apply to the present circumstances. Parliament had then been regularly convened by the King. It was generally known at that time that his Majesty laboured under some indisposition, and it was believed that the malady was of the same nature with that under which the King suffered in 1788. But his indisposition did not then appear by an acknowledged inability to perform any of the necessary acts of the executive power, and when an hon. baronet, referring to the bulletins, required an explanation from the ministers, it was stated, that there was no want of capacity to perform the duties of government—that it was not thought advisable to press much business on his Majesty; but that, in case of necessity, he was perfectly competent to act. But now they were met, he knew not in what capacity; nothing but a paramount necessity could justify them in doing any one act. Their first object ought to be to establish that necessity if it existed, and to ascertain why they were met there in that way—and then the question of expediency would arise, whether they should proceed to business, or adjourn. If it should appear upon investigation, that there were strong hopes of a speedy recovery, the latter alternative might then be adopted. He would feel great pain, however, in voting upon this subject. He would have been much better pleased with the mode of protesting which had been resorted to by his honourable friend below (Whitbread), but he could not refrain from declaring his opinion.

Mr. Sheridan said, when the original adjournment till this day had been moved, it was understood that a second adjournment might be necessary, unless a more unfavourable turn in his Majesty's malady than was then contemplated should in the mean time take place. The motion for that adjournment he had seconded; and before he could so far depart from the pledge then given by him, it must be made clear to his mind that the state of his Majesty's health was not amended. So far, however, was this from being the case, that the whole House must be satisfied, from the reports of the physicians, and from the statement of the

right honourable gentleman opposite, which came down to the latest moment, that the state of his Majesty's disorder was greatly amended. He should not be inclined to object to the proposition of his right honourable friend (Ponsonby), that the adjournment should only take place for a week, if agreeing to that modification of the proposition could produce what was so highly desirable on the present occasion —unanimity. The honourable baronet (Burdett), however, was against any adjournment whatever; and he would wish to know what that honourable baronet would propose that the House should do? The honourable baronet said that the House should not adjourn for a single day, or consent to remain in the state in which they were for a moment. Would the honourable baronet wish them now to proceed in providing for the suspension of the executive functions? If so, he presumed they would proceed to provide for that emergency in the ordinary form. [*Hear! hear!*] The matter then came to this—Was the House in a condition now to proceed in the ordinary form? An honourable friend of his had said, that this was the second instance of his Majesty's unhappy malady becoming matter of inquiry in that House—[He was corrected by an honourable member, and proceeded]—It was unpleasant to refer to this as a matter of calculation, but he was now informed that this was the fourth recurrence of a similar malady. Be it so, but still the remembrance of four instances of affliction must bring along with it the consoling recollection of four instances of recovery. His honourable friend opposite had referred to the year 1801, and not to the year 1804. That case, however, it was said, did not apply to the present. This he could not agree to. If parliament was legally opened, and it was afterwards found that his Majesty was incapacitated from the discharge of his functions, parliament was equally bound to proceed in providing a remedy as if the incapacity had manifested itself previous to their meeting, and had been the occasion of their assembling prematurely. It was the duty of parliament to proceed on the notoriety of the fact, as much as on the manifestation of the incapability displayed in the want or omission of an essential public act. On the occasion of his Majesty's affliction in 1801, one of his Majesty's ministers had continued in office, declaring that his Majesty could not receive the seals of office from him. At that period his Majesty continued in this state for a longer period than on the pre-

sent occasion. A gentleman, not now in the House, did give notice of a motion for an inquiry into the subject; but, on the day on which the motion was to have come on, he (Mr. Sheridan) anticipated it, by moving the question of adjournment, which was carried. In a few days it was clear and manifest that there was no occasion for such a motion, and no such motion was ever made. He knew that one of his Majesty's first inquiries, after his recovery, was whether any parliamentary inquiry had been made into his situation, and that it proved the most gratifying thing to his feelings that no such inquiry had taken place *(cries of Order! order!)* He was sorry to be out of order. But this he presumed he might be allowed to say, without any breach of order, that by an adjournment for the time proposed, there was reason to think that all further discussion on this calamitous subject would be rendered unnecessary—a circumstance which he knew must be highly gratifying to the feelings of the House and of the country. If any examination of the physicians in attendance on his Majesty had taken place, he doubted not it would have been laid before the House. But if they had been examined at this period of the disorder, there was reason to believe that they might have been unwilling to pledge themselves to any specific opinion, and might have desired longer time to consider and to judge of the various symptoms.

Sir Samuel Romilly did not rise for the purpose of protracting the debate, nor with a view by any thing he should say to provoke his Majesty's ministers to disturb the systematic silence which they had observed on this occasion; his only object in rising was, that he might explain, what he was very anxious to explain, the reason why he should feel himself compelled to vote against the motion for an adjournment for a fortnight. The question then before the House, was not whether they should proceed to take any particular step, but whether it was more proper and desirable for them to adjourn for a fortnight, or for a shorter period? That was the question upon which he understood it to be the intention of the honourable baronet to take the sense of the House; and consequently he took it for granted, that if the motion for adjournment for a fortnight should be negatived, he meant to follow up that decision by a motion of adjourment till to-morrow. No hon. member that he had heard had given an opinion that the House should proceed to take any step for supplying the deficiency in the

exercise of the royal functions. The only point to which the arguments of those who preceded him in the discussion applied, was, whether it would be more eligible to adjourn over for a fortnight, or from day to day? And here he must observe, that the right hon. gentleman (the Chancellor of the Exchequer) had not stated any satisfactory reason why that House should, by the adoption of his motion, put it out of its power to assemble during a fortnight, in case any emergency should occur to require the interference of parliament. The only question, therefore, was, whether they, the representatives of the people and the servants of the public, should, being called together as they had been, adjourn from day to day, or deprive themselves of the opportunity of discharging their duty to their constituents; and that too at a period, when they might momentarily expect to hear of great national calamities abroad, or of some heavy public afflictions at home? Deprived, as they were at this moment, of the parental care of his Majesty, he did not think it right in them, as public servants, to put it out of their power to take any step during fourteen days to meet any emergency which might possibly arise. It would certainly not be the wish of any honourable member, if the adjournment from day to day should be agreed to, that any parliamentary proceedings should be proposed, unless such a change should take place in the state of his Majesty's health as would render such a measure indispensable. The case of 1788 afforded no precedent for the course proposed by the right hon. gentleman. At that period, unquestionably the parliament had met in the same manner as in the late instance. In that case the parliament, as on the late occasion, adjourned over for a fortnight. But at the expiration of that adjournment the House had not re-assembled under the same circumstances as at present; they had then no reason whatever to entertain such hopes of his Majesty's speedy re-establishment, as the statement of the right hon. gentleman opposite (the Chancellor of the Exchequer) was calculated to excite. The parliament consequently proceeded to take those steps which the necessity of the case imperiously called for. In that instance, too, the House had full information upon the real state of the case, derived from the examinations of the physicians, whilst at present they had no official or authentic knowledge of the fact, and would not therefore be justified in taking any steps founded only upon the com-

munication of the Chancellor of the Exchequer, or of any other individual. But it had been argued, that, as they were not to take any steps in the mean time, as they were to do nothing, they ought to adjourn over for the fortnight. Yet he would ask those gentlemen who reasoned in that way, was it nothing to consent to an adjournment for a fortnight, to put it out of their power during fourteen days to resort to any measures, which a possible, not to say a probable, contingency might render necessary? Was it to do nothing, to deprive themselves, by such a proceeding, of all opportunity, during that interval, of faithfully discharging those important duties which their constituents sent them there to perform? It was upon this ground that he felt himself bound to oppose the adjournment for a fortnight, with a view, if that should be negatived, to support an adjournment for twenty-four hours. In doing this, he was persuaded he was taking the most effectual mode of shewing his loyalty, his affection, and attachment to his Majesty; because nothing could so directly tend to support and strengthen the best interests of the Crown, as that, during a period when there was a possibility of the occurrence of great national dangers and disasters, that House should be ready to resort to such measures as the exigency of the case might require.

Mr. Bathurst was sure the honourable and learned gentleman must have strong reasons for wishing to disturb the unanimity of the House, so desirable on the present occasion. The honourable and learned gentleman objected to putting out of the hands of the House the power of proceeding from day to day according as any emergency should occur. He wished the honourable and learned gentleman, however, to state how parliament could take the executive into its own hands. He presumed they could do so in no other way than they had done in the year 1788; and the emergencies which the hon. and learned gentleman conceived might occur, could in no other mode be done away, in consequence of the adjournment being negatived, and the House sitting from day to day, unless the House should go on to take functions into its hands which did not belong to it, and proceed in a more summary manner than it otherwise would be inclined to do. No advantage, he submitted, could accrue in consequence of the House sitting from day to day, other than that he had described. It was only by proceeding in a more summary manner than might otherwise

be thought expedient, that any consequence could result from the proposition of the honourable and learned gentleman. He could not help acquiescing in the sentiment of the right honourable gentleman (Mr. Sheridan), that the more gratifying the course of their proceeding could be to the mind and feelings of his Majesty, the more highly gratified must the House itself feel. Though it was a painful duty which the House had to fulfil, in seeing that the public suffered no more injury than must naturally result from so great a calamity visited on the Sovereign, still it was their duty equally to see that their anxiety to protect the public did not induce them to do any thing which could unnecessarily do violence to the feelings of the Sovereign. He saw no reason, therefore, why the proposed adjournment should not be agreed to. It could do no harm; for at present the House was not in a condition, if it were inclined to do so, to take up the question in a parliamentary manner.

Mr. Elliot said he could not give his vote on the present occasion without assigning his reason for the vote he meant to give. A most critical, awful, and interesting event had occurred to this country. We had been deprived of the plenitude of the executive authority at a moment when we were placed in a situation unparalleled in our history. At such a moment, and in such peculiar circumstances, was it to be demanded of that House to adjourn for a fortnight, and to leave the country not only without the protection of the executive, but without the advice and assistance which it might receive, and had a right to expect, from the other two branches of the government? He objected, not to the period of the adjournment alone, but he conceived the immediate assembling of that House at such a period indispensable. The House should use every means in its power, of gaining the knowledge of the real state of the fact; and the question was, if they were here a house or a convention? He had no doubt of the word of the Chancellor of the Exchequer; but the point here to be considered was this, whether they, in such a step as that now recommended for their adoption, were to be satisfied with such evidence, as would not prove satisfactory to an inferior tribunal?

Mr. Wilberforce conceived that the House must either agree to the motion of adjournment, or proceed to enter into inquiries, the recollection of the painful effect of which, on a former occasion, was still present to his mind. Except

cept the honourable baronet, there was not a single honourable member of all those who had spoken on this occasion, who seemed to think that measures should be taken at once to provide for the deficiency which at present unfortunately existed: all the others who had delivered their sentiments, suggested the propriety of adjourning from day to day, and inculcating the necessity of gentlemen being on their posts, to meet any emergency which might occur. He (Mr. Wilberforce) objected to this, from a consideration of the variety of views in which such a subject might be conceived, and the variety of feelings which from day to day might be produced.—Surely, gentlemen would not wish that so delicate a subject should be considered every day, or from day to day; and if not, of what use could the meeting from day to day possibly be conceived to be? He confessed, for his own part, as it was not stated that any material injury could arise from the adjournment for a fortnight now proposed; and as, on the other hand, he could not figure any advantage that could result from the House sitting from day to day, he was inclined to support the motion. He was, moreover, persuaded that the House would come better prepared at the end of a fortnight to consider of the evidence which might then be laid before them, than they could, after having sitten from day to day. He thought the assurance of his Majesty's confidential servant was entitled to some credit; and he was inclined the more to respect it, on the present occasion, from considering that if ministers had intended to take the House by surprise, they might on the former night have adjourned the House till the 29th of November.

The question was then loudly called for, when the House divided on the question, for an adjournment for a fortnight:

Ayes - - - - - - -	343
Noes - - - - - - -	58
Majority - - -	285

HOUSE OF LORDS.

THURSDAY, NOVEMBER 29.

The Bishop of Killaloe and Lord Thurlow took the oaths and their seats.

HIS MAJESTY'S INDISPOSITION.

Earl Camden, (President of the Council) rose and stated to their Lordships, that examinations had taken place before his Majesty's Privy Council, of the physicians who attended the Royal person, touching the state of the King's health. His Lordship, after a few observations, concluded by proposing them to be read. After some remarks from Earl Grey, the minutes of the examinations were ordered to lie on the table, and to be read. They were accordingly read by the Clerk.

FIRST DAY.

At the Council Chamber, Whitehall, the 28th of November, 1810, present, the Lords of his Majesty's Most Hon. Privy Council.

Their Lordships being met, and the physicians who have attended his Majesty during his present illness attending the Board:

Dr. HENRY R. REYNOLDS was called in and sworn, and examined as follows:—

(No. 1.) Question.—You are desired to acquaint this Board, whether the state of his Majesty's health is such as to render him incapable of coming in person to his parliament, or of attending to any kind of public business? His Majesty is certainly incapable, at present, of attending his parliament, or transacting public business.

(No. 2.) What are the hopes you entertain of his Majesty's recovery? I have very confident hopes of his Majesty's ultimate recovery.

(No. 3.) Do you found the opinion given in your answer to the previous question upon the particular symptoms of his Majesty's disorder, or upon general experience in other cases of the same nature, or upon both? Upon both.

(No. 4.) Whether, in that particular species of the disorder his Majesty has fallen into, it has been found from experience that the greater number of persons so affected have been cured? Undoubtedly.

(No. 5.) Can you form any judgment or probable conjecture of the duration of his Majesty's illness? No, I cannot form any decisive opinion upon this subject: it varies in different persons, and the time has varied in his Majesty's former indispositions.

(No. 6.) Whether, as far as experience enables you to judge of his Majesty's disorder, you think it more probable that his Majesty will or will not recover, so as to render him capable of attending to public business? I think it much more probable that his Majesty will recover. My expectations at present are very confident of his Majesty's recovery. I speak this, however, with reference to the uncertainty that always attends medical predictions. With this reference, I should say, from what I see in his Majesty, that I have no doubt of it.

(No. 7.) What degree of experience have you had yourself in this particular species of disorder? In above forty years practice as a physician, I have seen many instances of it.

(No. 8.) Whether any amendment has already taken place in the course of his Majesty's disorder, and whether the appearance of such amendment continues at present? His Majesty is certainly better, and I am not sure that he was not full as well, if not better, yesterday, and continues so this morning, than he has been since I had the honour to attend his Majesty in his illness.

Sir HENRY HALFORD, Bart. called in, and examined as follows:—

[As the questions put to each physician were exactly similar, we do not repeat them. Our readers will refer the answers to the questions put to Dr. Reynolds, according to the numbers prefixed.]

1. I think it such as to prevent his coming to parliament, or attending to public business.

2. I think it is in the highest degree probable that his Majesty will recover.

3. Upon both.

4. I believe so.

5. I cannot form a satisfactory conjecture.

6. Much more probable that this Majesty will recover.

7. In the course of nineteen years, a great number of cases must have fallen under my cognizance.

8. A very considerable amendment has taken place in his Majesty's symptoms in the course of the last twenty-four hours. His Majesty's mental health has improved; but in the same space his Majesty has been more indisposed bodily; but I have just reason to believe that I shall find that indisposition much mitigated on my return this evening.

Dr. W. HEBERDEN called in and sworn, and examined as follows:—

1. I consider the state of his Majesty's health to be such as to render him incapable of coming in person to his parliament, or attending to public business.

2. The greatest expectation of his Majesty's recovery.

3. I found my opinion upon the improvement that has already taken place in his indisposition, and the present integrity of his faculties, and the analogy this disorder bears to his former illness.

4. I firmly believe, that it does appear that the greater number of persons have been cured; but my own experience has not been great in that disorder.

5. I can form no judgment of the precise duration. In general, I should judge that the duration cannot be long.

6. I feel in my own mind no doubt that his Majesty will recover, and be capable of attending to public business.

7. Very little experience.

8. Considerable amendment has taken place in his Majesty's disorder, and the amendment still continues.

Dr. ROBERT DARLING WILLIS called in and sworn, and examined as follows:—

1. His Majesty is incapable at present of coming to parliament, or attending to any public business.
2. I entertain very confident hopes of his Majesty's recovery.
3. Upon both.
4. I believe the greater number are cured.
5. I cannot.
6. I think it more probable that his Majesty will be capable of attending to public business.
7. From my earliest infancy I had opportunities of observing complaints of this nature as long as I remained under my father's roof. During the last two and twenty years I have seen a great variety of cases of this nature in private practice.
8. A very considerable amendment has taken place in his Majesty's disorder, which continued when I left Windsor this morning.

SECOND DAY.

At the Council Chamber, Whitehall, Nov. 29, 1810, present, the Lords of his Majesty's Most Honourable Privy Council.

Dr. MATTHEW BAILLIE was called in and sworn, and was examined as follows:—

N. B. The questions were the same as those put to the other physicians, on the preceding day.

1. I think his Majesty is at present incapable of coming to parliament, or of attending to any public business.
2. I think it highly probable that his Majesty will recover.
3. I found the opinion which I delivered as an answer to the second question, upon the consideration of the symptoms of his Majesty, upon perceiving no failure in the faculties of his Majesty, upon the soundness of his Majesty's constitution, and upon the resemblance which his present illness has to what I have heard of his former illnesses of the same character.
4. I believe that the greater number have recovered.
5. I can form no idea of the duration of his Majesty's present indisdisposition; if one considers what has taken place in his Majesty's former illness of the same kind, it is probable that it may not continue very long.
6. I can perceive no failure of his Majesty's faculties; and therefore I presume if his Majesty should recover, that he will recover with the same capacity for business as before his present illness.
7. My experience has not been extensive; I have been in business for twenty years, and have occasionally seen patients affected with complaints of the same general character as that of his Majesty.

8. His Majesty is considerably better than he was ten days ago. He is certainly somewhat better than he was yesterday evening, and perhaps a shade better than yesterday morning.

The examination, at the request of some noble lords, was read a second time.

The Earl of Liverpool then rose and said, that the House having adjourned to that day on account of the lamented continuation of his Majesty's ill health on the last day of their meeting, the Privy Council had assembled, and had made the important examination, the particulars of which were now on their lordships' table, and had been twice read in their hearing. From that examination of his Majesty's physicians, his lordship deduced three important leading points of consideration. First, the establishment of the fact, that the present state of his Majesty's illness prevented him from attending to any public business, and the consequent suspension of the exercise of his royal functions. Secondly, the confident hopes and expectations entertained by the physicians of his Majesty's recovery. Thirdly, that as to time, though nothing specific could be stated respecting the duration of the King's indisposition, yet there existed already a considerable amendment of his Majesty's health. With these three material points before them, it would be for their lordships' wisdom and justice to determine what mode of proceeding it would be fitting for them to adopt under all the circumstances of the case. He was perfectly ready to agree with a noble baron (lord Grenville) in what had fallen from him on a former day, when he stated that in their present situation, whatever mode of proceeding their lordships might choose to adopt, they would still be only making their choice of difficulties. No man could be insensible to the great inconveniences that necessarily must attend the melancholy suspension of the personal exercise of the royal functions. No man, on the other hand, could be insensible to the very great inconveniences that must unavoidably occur in the event of establishing a new authority in the state, which must be presumed to be only a temporary establishment, with all the various inevitable consequences arising from such an establishment. Their lordships had adopted what certainly appeared the best mode of proceeding hitherto: but, undoubtedly, delay in so important a situation must have its limits. From a fair review of all the circumstances of the case, and looking at the report given by all the phy-

sicians, it was now for their lordships to judge what was farther to be done; whether they would now proceed to further examination and to new arrangements, or agree to another short delay. The latter he thought in every point of view the preferable mode of proceeding. He wished the House particularly to keep in mind the proceedings of 1788. When a similar document to that now lying on the table was produced, on the former occasion, an adjournment was agreed to for four days. In the second stage of those transactions, a motion was made, and agreed to, for the examination, by parliament, of the physicians who attended the King's person. Acting upon the precedents furnished on that occasion, he certainly intended to propose that motion. But there was some deviation between the circumstances of the year 1788 and the present time, which induced him to propose, at present, a farther interval than those four days. At the former period, his Majesty had been ill for a longer period than at present. In the second place, there was a considerable difference between the results of the examinations of the physicians respecting the favourable prospects of his Majesty's recovery. Now, the evidence read gave unanimous testimony to a very considerable amendment. They had not, therefore, at that time the facts they now had before them. Though it might then have been advisable to proceed farther, yet weighing well all the circumstances of the case at the present moment, he was certain that his mode of proceeding by a short delay would produce much fewer inconveniences than any other. If, at the period of the farther adjournment, which he should conclude with proposing, no such amendment should take place as to offer hopes of the speedy resumption of the personal exercise of the royal functions, he would move for an examination of the physicians, on the precedent of 1788. But at present, looking fully, and weighing maturely, the evidence and all the circumstances, he felt that he should not discharge his duty if he did not submit his motion for farther adjournment: and he trusted to the feelings and to the sense of public duty of every noble lord, to adopt that as the most proper course of proceeding. His lordship then moved, that the House at its rising should adjourn till Thursday, the 13th of December next.

Earl Spencer, at some length, objected to the proceedings adopted by ministers on this occasion. He commenced by noticing the situation in which parliament had met, in

which, he contended, that nothing short of absolute necessity could justify them in consenting to further adjournment Ministers had departed considerably from their own precedent. Hitherto the House had been furnished with no document on which to found their opinions and proceedings, except the bare statement of a noble and learned lord, who, however high might be his rank and his professional talents and character, could be no authority for parliament to proceed upon. He had felt a delicacy on a former night, which, perhaps, restrained him from then delivering his opinion; but he fully concurred in what had been said by other noble lords near him. He bowed to their lordships' decision; but he should ever contend, that the farther adjournment on the word of an individual peer was wrong. The proper mode of proceeding was by adjourning *de die in diem;* which would give them an opportunity of seeing all the difficulties of their way. Whatever grounds of delicacy might be conceived, the principle was wrong; and he would call, as energetically as his feeble voice could call, upon their lordships, to stop this transgression against the constitution by other proceedings, and by going into a proper mode of inquiry. On the 4th of December, 1788, the report being read, it was ordered to be considered on the ensuing Monday, omitting, in fact, only one sitting day. Whatever the noble lord might state concerning the three positions he took from the paper that had been read, he would assert, that it was not a material upon which parliament could act. The history of the times of 1788 shewed that there was much doubt existing, which was natural in so unusual a case. On the motion for considering the Privy Council's examination, a suggestion was made, that the House ought to proceed on some more authentic document. All the noble lord's arguments were taken out of that which was not a sufficient document. It was not necessary or proper for him at present to go into the consideration of what the House ought to do to supply the present defect, or otherwise, after the regular finding of the fact. He therefore should not touch on the comparative inconveniencies of different modes of proceeding, which were not the questions before the House. Their lordships would not discharge the duties of their stations, if they did not abstain from doing any thing, that might injure the constitution; but, on the contrary, they ought to proceed to remedy, as far as they could, that existing defect which

all so deeply lamented. The evils of the actual suspension of the kingly office must be great and dangerous. He was not enough of a lawyer to attempt to describe them in all their various injurious bearings on the affairs of the whole community. More particularly must such evils be felt in the present situation of the country, which was widely different, indeed, from what it was in the year 1788. *(Hear! Hear!)* Not a moment's time ought to be lost in putting the constitution into its proper state. If their lordships could bring their minds to this adjournment under all its circumstances, they must be blind to the consequences that might ensue. What title or authority had parliament so to act? After various other arguments, the noble earl alluded briefly to his sentiments on the great question that might soon come again before them, as they were held by him in 1788. Had he ever seen cause to change them, he would readily confess the alteration of his opinions: but, on the contrary, the most mature reflection on the subject had convinced him, that they were constitutional and well founded. His lordship concluded by moving as an amendment, that all the words of the original motion after the word "That," be left out; and that instead thereof, should be substituted, words to the following effect:—("That") the House do appoint a Committee to examine the physicians appointed to attend on his Majesty, touching his present melancholy indisposition, and to report the same."

The Lord Chancellor then put the question, and a short pause ensued; upon which

Lord Moira rose, and observed, that he certainly expected that some reply would have been made to the speech of his noble friend by those who proposed the motion of adjournment; but since they had thought fit to remain silent, he begged leave to trouble their lordships with a few observations. On the last meeting of the House, he had had the satisfaction of seconding the motion which was then made for adjournment, and he was grieved that he could not support the motion to a similar effect which was made on the present occasion. As the ground of his assent to the former motion, he had submitted, that though he held the adjournment to be attended with circumstances of difficulty and inconvenience, yet that judgment and discretion might, be exercised as to the mode of remedying. In all human affairs, it was seldom or never expedient at once to carry

your right to its utmost extent, but rather to accompany it with the exercise of a certain portion of discretion; and certainly his assent was given to the former motion on this specific understanding, that all further delay would be at an end when that term of adjournment arrived. The only objection that weighed on his mind on the former meeting, was, lest the suspension of the executive might seem an attaint on the regal power, and calculated to lessen its importance in the eye of the country; but still, even in the dryest and most metaphysical view of the subject, it had struck his mind that the reverential attachment which was then displayed to the person of the Sovereign, tended more to confirm the regal authority, than it could possibly by the mode that was pursued. Let them see how circumstances are since changed. The noble lord, who moved the former adjournment, had represented that a material amendment had then taken place in his Majesty's health; doubtless his lordship spoke from a conviction that it was so; and the terms of confidence which he employed on that occasion were, if possible, stronger than those they had heard at present. But how did it turn out? Did not the very next day defeat the expectations held out to the House and the country? *(Hear! hear!)* And perhaps at the very moment when the noble and learned lord was expressing his confident hopes of a recovery, perhaps at that very moment a melancholy relapse had taken place. With what duty to the country, then, were they to listen to new assertions, with the proof before them of expectations already defeated? How could they suffer a continued suspension of the royal functions, and that with a weakened hope of amendment? How could they be justified to their own minds, or to the country, if, under such circumstances, those provisional steps were not taken which would put it in their power to act, if necessary, or to abstain from acting, if the latter should be thought more expedient. The noble earl had mentioned three facts as appearing from the examination of the physicians; but there was only one which concerned them at present, and that was, that the King was not able to meet his parliament. All the rest was matter of speculation and opinion; and from the very nature of their feelings, they might easily conclude how much they are apt to mislead into sanguine expectations. The evidence, therefore, that they had heard, should be qualified by this consideration alone. He must again call upon their lordships to reflect upon

the danger of acceding to the original motion. If the regal functions are thus to be suspended from week to week, might it not give room to say that the suspension might be continued *ad infinitum*? Formerly their feelings were, perhaps, indulged without a dereliction of duty; but if, after disappointed expectations, he should accede to any new delay, he should regard himself as liable to the severest imputations. He felt this the more strongly, when he considered that the bulk of the people placed no confidence in the present administration. On more occasions than one, they had declared ministers unworthy of the royal confidence; and was it not dreadful that they should bear the sole management of affairs, at a period when the King was unable to exercise that temperate and modifying controul over their counsels, which alone could induce the people to place any confidence in the conduct of our affairs? It was the paramount duty of the House to lay a solid ground for their further proceedings; and that could only be done by the appointment of a Committee to examine the physicians. He did not pledge himself to any particular mode of proceeding upon their report; and he hoped, that sufficient grounds might even then appear for continuing the delay in filling up the executive. But the noble lord spoke of the inconvenience of establishing a new authority. What new authority? Surely he could not mean that we wanted to overthrow the monarchy! No! it was that which we wished to support and keep alive. Our duty to our fellow citizens and to the Sovereign required, that on his recovery he should not feel the foundations of his throne sapped by a series of suspensive measures, which could hardly fail to have a most unfriendly aspect towards the regal authority. It was his Majesty's ministers who would institute a new authority, unknown to our laws, and incompatible with the public good.

Lord Harrowby rose to say, that the same reasons which weighed upon his mind a fortnight ago, influenced him still in supporting a further adjournment; and he certainly hardly expected that the noble lord who had just sat down would have now opposed what he had formerly seconded, particularly as the circumstances appeared to him (Lord Harrowby) equally strong for delay in both cases. The first objection to the motion was, that it was an unnecessary departure, from the precedent of 1788: but if it was a departure, he was prepared to contend that it was only such as was created by

a difference of circumstances. The only difference would be, that the same steps, if necessary, would now be taken with somewhat longer intervals: for it would be recollected, that even after the physicians were examined in 1788, the next step was to adjourn for four days; and now it was proposed to adjourn only for a fortnight. But were these not circumstances of great difference between the present and the former state of his Majesty? At present, an amendment had actually taken place, and we had the experience of the past to justify the hopes of a speedy recovery. Let us add to this, that we have the strongest and most confident expectations held out by the physicians, that that recovery will be as complete as our wishes and our prayers could desire. Doubtless the House had a right to proceed immediately in supplying the executive power; but the exercise of that right would ever be regulated by discretion. Are we to draw this conclusion from the arguments of noble lords, that the moment an incapacity of fulfilling the royal functions is discovered, that moment we are to proceed in supplying the deficiency? Surely, both after the former and the recent conduct of parliament, this cannot be stated as necessary. Sensible he was of the inconveniencies; nay, of the dangers of such a state of things at any time, and still more at the present moment. He was also alive to the dangers of a precedent, from which the executive power might appear to go on without a head. But this danger had been already incurred both in 1788, and more lately; while we know that the temporary suspension of the supreme power does not in fact produce a total dissolution of government; that we are capable of going on for a certain time; and that the momentum of force which our government has received, still carries on its functions with steadiness and regularity:—

Currit iter tutum non secius equore classis.

Though the master be no longer at the helm, we are are not in immediate danger of shipwreck. A certain degree of discretion in exercising our right may still be allowed; and the present motion of delay was made for the purpose of laying the most solid grounds for supplying the chasm in the executive government. The noble lord admitted, that there ought to be a mixture of those feelings of respectful reluctance, which ought not ever to be discharged from political discussion. We must not only feel that it is the King of England who is the object of such feelings, but

that it is this King of England. How natural was it, then, to wish for every possible delay before we proceed to set aside the Monarch from the throne, *(cries of Order! Order!)* and to fill up his place with another!

Lord Grenville rose to order. He expressed his astonishment that he had lived to hear it said, that he or his noble friends near him proposed to set aside the Monarch from the throne. There was nothing in their language that even by the most distant implication could justify such an assertion.

Lord Harrowby would ask, in reply, in what country was it that the appointment of a regent was not setting aside the monarch of the throne? *(cries of No! No!)* Well, then, if such language was not agreeable to the noble lords opposite, he might at least be permitted to say, that we ought to pause before we set in his Majesty's room any person whatever: we ought to pause the more, when we consider that he has governed us for fifty years, and the many blessings of his paternal sway.

Lord Holland spoke to order. He conceived that the noble lord was introducing his Majesty's name and his virtues in a way that the usage of a parliament did not entitle him to do. If the noble lord persisted in that species of argument and influence, he must move that his lordship's words be taken down.

Lord Harrowby said, that if he was not much mistaken, a similar reference had been made to his Majesty, and in similar language, during the discussions in parliament in 1788. He should now sit down, expressing his hope that the House would accede to the motion of his noble friend.

The Marquis of Abercorn rose to the point of order. He could not perceive that the words of his noble friend could bear that construction put upon them by the noble lords opposite. Neither could he see the impropriety of introducing his Majesty's name in a debate which was actually on the subject of his Majesty.

Lord Holland, speaking to the point of order, maintained that the introduction of the king's name in the debate, in the manner in which it was used, was most improper. Now that he was in possession of the House, he would say a few words on the question before it. Although he was not disposed to think very favourably of ministers, he gave them credit for the conduct which they adopted on the day the House first met; but after the continued and melancholy suspension of the royal functions, he did not think it pos-

sible that any man in the country could be found with confidence enough to stand up and propose that the whole powers of the executive government should be placed in the hands of eleven or twelve persons. He had heard nothing to justify such a presumptuous proceeding. He had not heard from the other side one single argument in its favour; for as to the facts produced by the noble lords, they were the mere speculations of very able and scientific men, he would acknowledge; but still they were liable to be questioned. There was in truth but one fact before the House, which was the melancholy fact of his Majesty's indisposition and consequent incapacity to discharge the duties of sovereignty. The House was now in a very different situation from what it was a fortnight ago. When on the last meeting they agreed to a fortnight's adjournment, he thought they stretched their power to the very utmost. In that motion he agreed for the sake of unanimity. Of his Majesty's incapacity there was then no proof before the House. Now indeed there was something like it—the report of the Privy Council; but even that report would not be sufficient to justify them in taking any measures to supply the defect in the executive government. It was their duty to investigate the fact themselves, and not merely the fact, but the probability of its recurrence in future; and upon that examination to adopt such measures as would prevent all the inconvenience which must necessarily arise from a suspension of the executive government. The proposition of the noble earl (Liverpool) amounted to nothing. He moved to adjourn for a fortnight, not for the purpose of adopting any proceeding at the end of that time; and leaving him and his colleagues in the interim with all the responsibility of the executive administration upon their heads. This was too great a power, thinking of ministers as he did, to entrust to them for a single day. The noble baron contended that though it would be advisable to follow the principle of the precedent of 1788, yet that they were not bound to tread in the steps of the proceedings adopted on that occasion. They were not to regulate themselves so far by that precedent as to consume the same portion of time that the Houses did in discussion about the mode of supplying the executive government. Would any of the noble lords say that the suspension of the executive power would be attended with no worse consequences now than in 1788? At that time the vessel of the state was in dock

or port; she might have been laid up in ordinary without any inconvenience. Now she was buffeted by storms from every point of the compass; there was no one to stand to the helm; and yet under these deplorable circumstances, a noble earl (Harrowby) desires that she may be left to proceed in her course, *impulsu remorum*. No; he would not trust a vessel freighted with all the blessings of the British constitution, to so uncertain and dangerous a guidance. He would not consent that all the powers of government should be usurped by twelve or thirteen men, who through accident or cabal had seized upon the administration; and that at a period more critical than any perhaps which had occurred in our history. The House, he contended, not only ought to have before it the speculations of the respectable persons whose examination had been read at the table, but a thorough investigation of the fact. It was a monstrous anomaly in the constitution of this country; it would be so in the monarchy of any country, that frequent recurrences of this fact should take place, and no provision should be made against the inconvenience arising from it; that no proceedings should be taken on a subject involving the dearest interests of the country. In adopting the course they did, ministers were violating the most sacred principles of the constitution; and if his Majesty were enabled to-morrow to resume the royal authority, one of the first measures which ministers ought to propose, on the meeting of parliament, should be a bill of indemnity. He would support the motion of his noble friend, and vote against any farther adjournment.

The Earl of Westmorland spoke in support of the original motion.

The Earl of Darnley spoke against it.

The question being about to be put,

Lord Grenville rose, and said it would have been more satisfactory to him to have heard from the other side any thing in the shape of an argument to justify the conduct of ministers in thus turning their backs upon their King and country. However they might have reconciled to their own feelings the conduct they were about to pursue, he was surprised to find them come down and recommend a mode of proceeding so degrading to their lordships, so injurious to the constitution, and so detrimental to the interests of the country. Having heard nothing in support of the proceeding they recommended, he was under the

necessity of introducing the argument. Never had he a wish so permanently formed as that the proceedings might be unnecessary, which in case of the continued suspension of the executive power it would be proper to adopt. There were many things in the state of the country which made him entertain that wish. But whatever course it might be expedient to pursue, he was anxious that the states of the realm should be unanimous in their proceedings. Their lordships were now called upon to defend their own consistency. It might be asked, if on a former occasion they consented to adjourn for a fortnight, why refuse it now? How far, he wished to know, did ministers mean to extend this principle? how long did they intend to adjourn, and adjourn, and adjourn? Did they mean, by thus assuming all the functions of the executive government, to sanction the calumnies of the enemies of the constitution, who represented the kingly office and attributes as mere empty names, and that the constitution was vested in ten or a dozen persons filling the great offices of state? Were these persons to be permitted to carry on the government? At their last meeting he told their lordships that they were not in possession of the fact of the King's illness. The royal incapacity was indeed stated by a witness, who, though entitled to great credit, could not be considered as a conclusive evidence. Before they took any proceedings, they ought to have the fact established. How did they now stand? Would any one say they were apprised of the fact? He denied that they were. He asked it in the presence of those who were well acquainted with the laws, whether the Privy Council was competent to such an examination as that of which the report was laid upon the table? They were now assembled as states of the realm; a quality in which they would not meet, except in case of the incapacity of the King. As such, they would take no steps until they had established the fact of incapacity by examination, and put it on their journals. They had no discretion to exercise in the case, and their first step should be to set themselves right in the eye of the law. The Privy Council usurped an authority which did not belong to them. But even if their right to institute the examination was admitted, still their mode of conducting it was objectionable. They had no right to go beyond the mere dry question of fact—Is the King or is he not capable of exercising the royal authority? In doing more, they exceeded their powers. What was this

new power in the state that was to prescribe laws to parliament? It would be perhaps said, that the precedent of 1788 was in this instance followed. It was a melancholy circumstance, that of the persons who at that period composed his Majesty's councils, not one was now alive to justify the proceedings that were then adopted. He, however, had an opportunity of knowing, that it never was the intention of the great man who was then at the head of the government, that the Houses should take the fact of the King's illness from the report of the Privy Council. Parliament, in fact, did not proceed upon it; but the Chancellor of the Exechequer made the motion upon which they did act. In what part of the oath of a privy counsellor were they made the guardians of the King's temporal capacity? There was no such duty imposed upon them; no such power given them by the constitution. The fact of the royal incpacity was to be ascertained by themselves, and by that only could their proceedings be justified. He for one would not do homage to these self-created kings, who presumed to set aside the Sovereign, and act upon their own authority. He would not now enter into the question as to whether it would be right or wrong to adjourn, in case the fact were established. Still, however, he would contend for the necessity of that preliminary proceeding.

The noble baron next adverted to an observation which had fallen from a noble earl, relative to setting aside the King. In all the debates of 1788 it was never said, that by the establishment of a regency the monarchy was set aside. There was no question about the vacancy of the throne, or upon whom the crown should devolve; but who was to exercise the executive power, in trust for the Sovereign, and in his name. He felt it incumbent on him to notice such expressions, because it was improper they should go forth to the public unreproved. They were calculated to excite a compassion that was not called for, and to give invidious representations of the conduct of others, and ultimately to shake the confidence of the people in the monarchy. There was no question of setting aside the King. A noble earl had said, that the suspension of the King's authority did not necessarily produce a suspension of the executive government, but that it might be carried on by the existing authorities. He would wish to have that question determined. He would not go to extreme cases of a day or a

fraction thereof, but he would maintain that the government could not be carried on if the Royal authority were suspended for any time. For this he had the authority of the venerable person who at that time filled the office of President of the Council. That noble person declared it in his place in these words, "This calamity has produced a complete suspension of all the functions of the executive government." If ministers would look into the foreign office, they would there find upon record an avowal to the same effect from the marquis of Carmarthen, then one of the Cabinet. They would find it in these words, in an answer to a dispatch from one of our ministers at a foreign court: "I have received your important letter, but can give you no instructions, on account of his Majesty's unfortunate indisposition." Did ministers mean to say that they might receive his Majesty's commands, though parliament could not? Talk of new governments indeed, was there ever so monstrous an assumption of power as this? What, are they, uncontrouled by parliament, to issue their orders to admirals and to generals? nay, more, that they shall exclusively have the care of the King's person? He never heard of such a power in the constitution, as that the great officers of state might act independent of the Crown. A noble earl had talked of leaving the vessel of the state to be borne along for some time *impulsu remorum*. Never was there a more unfortunate application of a figure. What! when the helm was abandoned, the sails torn, the masts gone by the board, and the vessel in danger of going down, was she in such circumstances to be left to the impulse she had previously received; was no effort to be made to save her, to bring her into port? Was she to be left, thus labouring, to what the noble earl called *impulsu remorum*? What! when she was in this calamitous situation—

Nonne vides, ut
Nudum remigio latus,
Et malus celeri saucius Africo
Antennæque gemant? ac sine funibus
Vix durare carinæ
Possint imperiosius
Æquor?

The Lord Chancellor, after adverting to what had fallen from the last speaker, observed, that according to the spirit of our laws, the Sovereign is king in infancy, in age, in

decrepitude. If you take away what the law gives him, you change the name and authority of the King; by the sanction and authority of which name, you can alone rightly act. The King's political capacity, he would again repeat, continues the same in infancy, in sickness, in age, and in decrepitude. No subject can be considered in the same light. In such case the two Houses are to use a sound discretion. God forbid that the Privy Council should declare the King incompetent! Much might be said on a question of this nature, but it never was to be allowed that such a power rested in the Privy Council.

Lord Erskine supported the amendment.

Earl Stanhope said, that the noble baron who last but one spoke, entirely avoided the question. He had misstated the argument of his noble relative in a manner the most gross, and he would say, could he suppose it intentional, in a manner the most scandalous. He would stick to the noble lord as a lawyer, and he would ask him, whether in his own court he would consent to receive a fact without evidence? Would he receive the report of the Privy Council as a proof of the Royal incapacity? He had read more law than the noble baron, and he would tell him there was no law in the land to justify the assumption of so important a fact.

The Marquis of Lansdowne would support the amendment in both its parts, without pledging himself to any particular course of proceeding when the fact of the Royal incapacity was duly authenticated.

His Royal Highness the Duke of Sussex would detain their lordships but a moment, while he explained his reasons for voting as he should. He would support the amendment of the noble earl, because the course it recommended was that which, in his opinion, was most congenial to the spirit of the constitution. He had also another reason for supporting it, as it would enable him to ascertain in whose care his Majesty was to be placed, in the unfortunate event of the continuance of his indisposition. He was also desirous, in case of his Majesty's recovery, which he prayed to God might be as soon as possible, that the Royal authority should be restored to him pure and undiminished.

Their lordships then divided on Earl Spencer's amendment—

Non Contents - - - - -	88
Contents - - - - - -	56
Majority - - - -	32

The original motion was then carried. No proxies were tendered on either side, their lordships sitting merely in the capacity of one of the states of the realm.—Adjourned at twelve o'clock.

HOUSE OF COMMONS.

THURSDAY, NOV. 29.

HIS MAJESTY'S INDISPOSITION.

Mr. Secretary Ryder rose, and said, that the House had been again assembled under unhappy and afflicting circumstances. The continuance of his Majesty's malady having made it impossible to take any proper measures for the regular opening or prorogning of parliament, his Majesty's Ministers had felt it to be their bounden duty to call the physicians attending his Majesty before the Privy Council, to inform them as to the state of his Majesty's health, and the probability of his recovery. He held in his hands a copy of the report of the Examination of the Physicians; and as he was not able to point out any other means of information equally official and authentic, he would beg leave, with the permission of the House, to lay that copy upon their table; and he conceived that to this course no objection could be made.

The Speaker observed, that the paper could not be laid upon the table as a matter of course. If any hon. member chose to make it a question whether it should lie on the table or not, it would be competent for him so to do. From the silence of the House, however, he should suppose that the course which was proposed met with the general approbation.

Mr. Tierney said that he rose not with any view of opposing the course which had been proposed. He must, however, state that in general the House was not in the habit of receiving papers, except when they had been regularly moved for in the House, or had been presented by his

Majesty's command. It was unusual for the House to allow papers to be intruded upon their table in any other way; and perhaps it would be more for their dignity to conform to their established usages, and expect a regular motion for the reception of the paper alluded to.

The Speaker observed, that the right hon. gentleman was perfectly right in what he stated as the general usage of the House. On the present occasion he, however, thought he had collected from the silence of the House, an acquiescence in the course proposed. It was his duty, however, to put the question, whether it was the pleasure of the House that the paper should be received?

The question was then put, and carried unanimously. The paper was then read at the table by the clerk, and was the same as that presented to the Lords. *(See Lords Debate.)*

The Chancellor of the Exchequer then rose, and said, that as the House was now, from the communication which had been read, in possession of the information which the Privy Council had received from the examination of his Majesty's physicians, he felt it his duty to state the course which to his Majesty's ministers appeared the most proper to be pursued, under the peculiar circumstances of the present case. He was persuaded that a most melancholy impression had been made on the House by the answer of all the physicians to the first question which had been put to them, and by which it appeared that his Majesty was incapable of attending to the public business of the realm. If a very melancholy impression was produced by the answer to the first question, a very considerable consolation and satisfaction must be derived from the information which was conveyed to the House in the answer to the second question. Every man who then heard him, every loyal subject in the empire, must feel the greatest satisfaction in finding that there was an unanimous concurrence of opinion in all the physicians, of the high probability of his Majesty's recovery. On this point the sentiment was nearly the same in the answer of all the physicians, although expressed by some in terms of greater confidence than others had used. Some of them had expressed their confidence in terms amounting to a moral certainty, to a certainty as great as can be expressed on any point relating to the health of human beings. The next point was of no less

importance to the feelings or the happiness of the country, than the circumstance of his Majesty's recovery. It had been their unanimous opinion, that it was probable that he would recover, in such a manner as to be again fit for the discharge of public business. The answers of some of the physicians, particularly Doctors Heberden and Baillie, were very important upon that point. Dr. Heberden formed his opinion of a complete recovery from the present integrity of his Majesty's faculties; and Dr. Baillie stated, that the grounds on which he rested his opinion were, a consideration of the symptoms of his Majesty's present disorder, and of that with which he was formerly afflicted; as also from there being no failure of his faculties, and from the unimpaired state of his constitution. Upon those grounds the House had a very reasonable foundation for hoping and expecting a complete recovery. The next point, which was of great importance for the consideration of the House, was the probable duration of the malady. Upon this point the physicians had expressed themselves with that degree of caution and reserve, which it is proper for professional men to use in almost every case of severe malady. As to the question respecting the general amendment of his Majesty's health, the answers were highly satisfactory. This was a question, which in the circumstances of the present malady it was conceived necessary to put; although in the examination of the physicians in 1788, it was conceived unnecessary. The reason of the difference was, that in 1788 no symptom of amendment had been discovered at the time of the examination of the physicians. This additional question had, however, been answered in the most satisfactory manner. Dr. Reynolds said that his Majesty was better, and that yesterday he had been full as well as he had been any day that he had had the honour to attend him during his present illness. Sir H. Halford had said, there was a very considerable amendment, although his Majesty had in his bodily health been somewhat worse than on the preceding day: this bodily ailment was, however, conceived as merely temporary, from which it was probable that he was now recovered. The answers of the physicians held out a pleasing prospect, and, he might say, almost a moral certainty of his Majesty's recovery. They held out, not only the strongest hopes of his recovery, but that his recovery would be complete, and that he would regain the full vigour of his mind, and be again able to

direct his attention to the important interests of the realm. Under those circumstances, and with the information then before them, it was for the House to consider, whether they would immediately proceed to take steps for supplying the vacancy which now exists in the executive power; or whether they would not think it better to wait a short time longer, and allow some farther interval to elapse in hopes of his Majesty's recovery. These were the questions to be submitted to the consideration of the House; and in stating that these were the questions for their consideration, he must allow that the situation they were placed in was most calamitous. It was a situation in which there was no choice, but, among evils, which was the least. There was no alternative but between evils. In such a situation, he could not presume that he could recommend any course which should be absolutely free from objections; but he still felt it his duty to state to the House that line of conduct which appeared to his Majesty's ministers to be most for the dignity of the House and the interests of the people. It was his duty to recommend to the House to adjourn for another period of fourteen days. Should the House agree to this suggestion, this period would be of the utmost importance. He should wish to give as much time for his Majesty's recovery, as was consistent with the interests of the community; but if, at the end of the ensuing period of fourteen days, the amendment in his Majesty's health should not be such as to promise a very speedy recovery, he should then be of opinion that it would be for the interest of the country that no more time should be lost, but that parliament should immediately proceed to take some steps to supply the vacancy in the executive. Having stated that it was his intention to move for an adjournment for fourteen days longer, he thought it would be necessary for him to answer the objections which he could not but anticipate to this motion. It might be said, that the course now proposed was contrary to the precedent of 1788, and to the duty of the House. With respect to the precedent of 1788, it must have been very much misconstrued and ill applied by those who supposed that it was to govern the present case in all its circumstances. The House had on that occasion proceeded to an inquiry of its own; but they then proceeded on very different grounds from that on which the present case rests. If it were only wanting to provide for the due support of the executive for a time, and

for an interval which would probably be very short, the House might be cautious in adopting measures which would virtually and in effect dethrone the King for a certain time. The suddenly removing the authority into other hands, would in common sense and in common parlance produce the effect of a temporary dethronement of the Sovereign. If the House in 1788 ordered an examination before a Committee of its own, it was because it was necessary to guard its proceedings with the most authentic forms, as there was at that time no symptom of amendment in his Majesty's health, nor any hopes held out of his speedy recovery. It was in this respect that the cases were not analogous, and that therefore it was not necessary to adhere to the letter of the precedent of 1788. It would be well to examine the termination of the inquiry which the House then thought it necessary to make. After proceedings had been going on for nearly three months in the House of Commons, a regency bill had actually been passed through that House, and had been sent to a Committee in the House of Lords, when the Lord Chancellor rose, and stated the amendment in his Majesty's health. This bare statement of the Lord Chancellor produced an adjournment for five or six days; and upon further statements of the Chancellor, the further consideration of this bill was suspended for nearly three weeks, at the end of which time it was found to be unnecessary. He did not mean to represent that the amendment in his Majesty's health at present was as great as that which Lord Thurlow had then to announce to the lords; but still, in pointing out the difference between the two cases, he thought he had sufficiently shewn that there had been no violation of the spirit of the precedent, although the strict letter of it had been departed from. He thought that it was the duty of the House not to confine themselves to the mere letter of that precedent, but to exercise an honest and enlightened discretion upon all the circumstances of the case which was then under their consideration. As for his part, the best discretion which he could apply to the case, prompted him to recommend to the House to adjourn for another period of fourteen days, and he should conclude by moving accordingly—that the House do adjourn to this day fortnight.

Mr. Whitbread had heard before he came down to the House, that it was generally understood that his Majesty's ministers intended to move for an adjournment for another

fortnight: but until he had heard the report of the physicians read, he did not know how to credit it. As to the production of the report by the right hon. secretary (Mr. Ryder), he was glad that a right hon. friend of his (Mr. Tierney) had not suffered it to be placed on the table without some observations. If there were many things in the precedent of 1788 which ought to be attended to for the sake of being followed, there were many other parts of of it which ought also to be attended to for the purpose of being avoided. The first thing which appeared from the examination of the physicians, was, that his Majesty was incapable of discharging the duties of the executive power; and the incapacity was of that nature which the great lord Camden, who was president of the council in 1788, then expressed by saying, that "the whole functions of the executive were suspended." Previous to the first day of the meeting of parliament since the present incapacity of the executive, the minister had sent notice to a certain number of his own friends, that such a meeting would take place; but no notice of that sort was sent generally to members of parliament, or to those who were supposed to be politically hostile to the minister. On the next meeting, the right hon. gentleman proposed an adjournment of fourteen days, and he persuaded the House to agree in the motion, by then stating to them that his Majesty was in a progressive state of amendment. The right hon. gentleman now repeated the same consolatory statements, but he could not believe that he was sufficiently founded in his assertions. On the former night he had expressed his opinion, that it would be better for the House to adjourn from day to day. If that opinion had been adopted, the House would have probably made some progress by this time in preparing such steps as, should his Majesty's illness continue, it would be necessary ultimately to resort to. It was a circumstance very remarkable, that on the last day of meeting, and perhaps at the very moment when the right hon. gentleman (Mr. Perceval) was assuring the House, that his Majesty was in a state of progressive amendment, the disorder of his Majesty had taken a turn for the worse, and the very next bulletins stated him to be worse. As to the bulletins themselves, he would wish to know whether they spoke the real opinions of the physicians, or whether they did not? If they did not, it was a base and infamous delusion on the public; but if they did speak their real

opinions, how did it happen that their opinions, expressed in the bulletins of last Thursday fortnight, were so very different from their opinions as stated to the House on that day by the Chancellor of the Exchequer? He could not avoid entering his protest against some part of the conduct of the Privy Council; but he could not receive much information from that part of their report which stated that his Majesty was better now than he had been for the last ten days. It did not from that appear whether he was not now much worse than he was on this day fortnight, when the Chancellor of the Exchequer stated that he was in a state of progressive amendment, and when the House upon such statement consented to adjourn for a fortnight. Not being able to imagine, from any statements yet before the House, that his Majesty was likely soon to recover in such a manner as to be competent to discharge the duties of the executive power, he could not avoid opposing the proposition of the right honourable gentleman, and proposing that the House of Commons should examine the physicians by a Committee of its own. If the House of Commons had on the former occasion adjourned from day to day, this examination must have taken place before now. Much had been said of the delicacy due to the King, but it must be recollected that delicacy was also due to the Constitution. Were his Majesty recovered, he would himself say that the delicacy due to him personally was not to supersede the delicacy and respect which was due to the kingly office; and that there was nothing which the House should be more solicitous about, than preventing that from falling into disrepute. He should ask, what was the present situation of the country? Was there a seat of justice, or a fountain of mercy? Could an army be sent on a foreign expedition, or could an army be recalled? Could a culprit receive the royal mercy, or could he be legally executed, when the fountain of mercy was closed up? The right hon. gentleman had endeavoured to frighten gentlemen, by talking of the King being dethroned. He should have considered, that to take the crown from the constitution, was still worse than the personal dethronement of a king. This was a situation of the country, in which more than at any other time the executive ought to be in its full vigour. A week at the present time might bear a load under which centuries would have staggered. If the Commander in Chief in Portugal, or the Commander in Chief at home, were to die,

how could their places be supplied? If ministers should do any thing to deserve the reprehension of parliament, who was to be addressed? As to the dethronement, who would say that George the First and George the Second were dethroned, when, in their absence from England, regents were appointed? If ministers might be permitted to do every thing in the royal name, and by the royal authority, the ministers would be themselves the regents. As to the precedent of 1788, lord Thurlow announced in the House of Lords, not his Majesty's amendment, but his convalescence, and in a short time after his recovery was complete. It had been said, that the cure might be impeded by parliamentary discussion; but the fact was, that long debates had, however, not prevented his recovery on the former occasion. It must be recollected, that on the former occasion Mr. Pitt was the minister, who certainly did at that time enjoy the confidence of the House and the country to an uncommon degree; but he would ask the present ministers, did they assume for themselves as great a space in the confidence of the country as Mr. Pitt then enjoyed? It would have been wiser if the parliament of that day had enacted provisions to guard against the recurrence of this exigency. Two instances had, however, since occurred, that of 1801, and of 1804, in each of which, from personal delicacy to the Sovereign, no steps were taken to protect the country in case of a recurrence of a similar case. In the year 1788, his Majesty was in the full vigour of health, and afterwards met his parliament, and shewed himself publicly to his subjects. He went publicly to the metropolitan church of England, to return thanks for his recovery. After the visitation of 1801, he also appeared publicly, and continued to be accessible to his subjects, until his sight was affected. After that he ceased to be, as before, accessible to his subjects, and therefore must be supposed to have been more in the power of his ministers than at any former period of his life. Under all these circumstances, he could hardly conceive it possible that the right honourable gentleman should be successful in his present motion. He could not believe, that after the uneasiness in the public mind the day after the last adjournment, another adjournment could be agreed to on a similar statement. He should feel it his duty to oppose the motion, and to propose such measures as would facilitate the adoption of the steps necessary to support the executive, if such steps

should ultimately appear unavoidable. He could hardly suppose it possible for his Majesty soon to be recovered in such a manner as to be prepared to meet the accumulation of business which his illness must produce. With every feeling of delicacy to the person of the Sovereign, but still more to the kingly office and to the constitution, he felt it his duty to negative the proposition.

Mr. Secretary Yorke thought, that whatever the House might think it proper to do under the present circumstances, they were bound to regulate themselves by a consideration of what was due to his Majesty personally, as well as what was due to the safety and welfare of the country. In fact, these considerations were one and the same, inasmuch as the same duty that enjoined them to attend to the feelings and interests of his Majesty was equally binding on them with regard to the security of the country. They could not violate or neglect the duty they owed their Sovereign, without at the same time violating or neglecting their duty to their country; nor, on the other hand, violate or neglect the duty they owed their country, without being guilty of a breach or neglect of their duty to their Sovereign. He was ready to admit, that the situation in which the House was unfortunately placed was no doubt difficult and embarrassing; and he was confident that in such a situation every man would feel a just consideration for those who may differ from him in opinion, and look without suspicion or prejudice to the line of conduct they may feel themselves bound to pursue. This was the more necessary, because one great principle of action with the House on this occasion should be, that, as their assembling was altogether anomalous, they should not proceed to any act which the necessity of the case did not call for. They were in duty bound to do whatever was necessary; but farther than that, they could not with propriety. The hon. gentleman, who had just sat down, had, for the purpose of supporting his general argument, strongly stated the great public inconveniencies under which the country at present laboured; and he was not prepared to deny the existence of such inconveniencies. But the question really was, whether the inconveniencies to which the country would be exposed, if that hon. gentleman could persuade the House to adopt the course he recommended, would not be much greater? His right hon. friend had truly stated, that the House had but a balance of difficulties; whereas the hon. gentleman, in his state-

ment, appeared to have gone rather further than the precedent of 1788 would warrant. If the inconveniencies were such as to leave the House no option, but to proceed to take measures for supplying the deficiency in the executive; how, he would ask, could the parliament have been justified in 1788, in suffering three or four months to elapse, without completing such measures at the conclusion of even such a long period? It was true, that was a time of peace; and the country was not then pressed by such momentous difficulties as at present, if unfortunately the King's illness should continue for the same length of time. But if the argument were good at all, it would preclude that House from resorting to the course proposed by the hon. gentleman. Without wishing at all to go at any length into a review of the inconveniencies on the other side, he might, he supposed, be permitted to advert shortly to some of them. There was certainly no reason to apprehend that the illustrious Person who would most likely be appointed regent would adopt any measures that would not be for the interest of the country; that any rash or ill-advised steps would be taken under his government: still it was possible. *(Hear! hear!)* He could certainly conceive it possible that a regent may be advised to take measures to overset the whole system of foreign and domestic policy, by which the present Sovereign had governed these realms. *(Hear! hear!)* In such a case, he would ask any man whether such a change of system would not be an inconvenience? Would it, he would ask, be no inconvenience, if the Regent were to be advised to change the whole foreign system by which the affairs of this nation had been administered, to withdraw our army from the Peninsula, and refuse all further support to Spain and Portugal? He had stated this possible case, only to shew that the other side of the question had also its inconveniencies. But the hon. gentleman appeared to him to have animadverted in stronger terms than they merited upon the situation in which his Majesty's servants were placed. That situation was such, that they had nothing to consider but how they should best perform their painful duty; a situation from which they could not be relieved, until a sufficient authority should happily be re-established to continue or dispense with their further services. Under such circumstances, then, it was absurd to suppose that any man would advise the House to do any

thing but what the necessity of the case may require. As to what had been said by the hon. gentleman of the change which took place subsequent to the statement of his right hon. friend previously to the last adjournment, which statement the hon. member seemed to insinuate had been made with a view to practise a deception on that House, his observations might have some weight, if his right hon. friend had in this instance grounded his motion of adjournment on his own personal examination of the King's physicians. But his right hon. friend proposed no such proceeding, his motion being founded upon a more authentic document—the report, upon oath, of the physicians made to the Privy Council. This report, he was confident, whatever opinion gentlemen might entertain as to what should be done, must have been heard with general satisfaction. It stated, no doubt, that his Majesty was at present incapable of coming in person to his parliament, or of attending to business; but it also stated that his restoration was confidently expected, as well as that a considerable amendment had already taken place. Upon the whole, he was convinced that the report fully justified the proposition of his right hon. friend; though he was ready to admit, that, if his Majesty's health should not be considerably improved at the end of a fortnight, it would then be necessary to resort to measures for supplying the deficiency. He could not be persuaded, that the feelings of the House and of the country would not be inclined to allow some further time to relieve his Majesty, in a state of recovery, from the anxiety which would result from the agitation of this question; that this short interval, this fair play, would not be allowed to his Majesty, or that any measures would be taken which were not actually necessary.

Mr. Ponsonby contended that the right honourable gentleman opposite (the Chancellor of the Exchequer) had, in the arguments he urged in support of the question of adjournment, steered completely clear of the question he proposed. That right hon. gentleman had moved the House to adjourn for a fortnight, because his Majesty's physicians had reported that his Majesty's malady had undergone an amendment, and that they entertained a confident expectation of his Majesty's ultimate recovery. For his own part, he was rejoiced to say that there was a high probability of his Majesty's ultimate recovery. But that was not the question.

The question really was, whether that House was in that instance as fully informed on the subject of his Majesty's disease, as according to the principles of the constitution it ought? or whether they should take that sort of certificate which the report of the physicians amounted to, from false notions of delicacy, as the ground of adjourning for a fortnight? Upon this subject he should not hesitate to assert, in the presence of many eminent lawyers, that this document constituted no constitutional ground for adjourning. The Privy Council was a body unquestionably of great weight, of considerable dignity, and of high importance and authority upon several particular subjects. But there was, he should contend, no law, written or unwritten, which gave that body power to supply any defect in the third estate. The only authority the Privy Council possessed or could constitutionally exercise in such a case, was to inquire into the capacity or incapacity of the Sovereign, the wearer of the crown, to meet his Parliament, and to attend to the public business of his kingdom. If unfortunately, upon such inquiry, it should appear that there existed not sufficient grounds of conviction as to the capacity; the Privy Council was then bound to present in an authentic document to the other two estates of the realm, the grounds upon which they ascertained the actual incapacity. There their duty ceased—no further were they authorised to proceed. Who, he would ask, had ever read in any book of authority upon the law or constitution of this country, that it was the duty of, or that itwas competent to, the Privy Council to proceed to supply any deficiency in the third estate? If any gentleman thought so, he challenged him to name the work; or to shew that the Privy Council had any other powers than to inquire, and present the result of that inquiry in an authentic form to the two other estates, whose duty it would then become to satisfy themselves as to the fact, and to take such measures as the existing circumstances might demand. Now upon what kind of evidence was it that on the present occasion they were required to rest satisfied as to the propriety of an adjournment for a fortnight? Certain questions had been submitted to his Majesty's physicians, some of which were improper to be asked at all; and some others, a proper feeling of delicacy should have prevented from having been inquired or examined into

in any detailed way before the Privy Council; and upon the answers given to these interrogatories, this House was required to agree to the proposed adjournment. But the right hon. gentleman had argued, that the House was not called upon to institute any proceeding upon this ground. Did the right hon. gentleman then call it no proceeding, that when one of the estates was known to be incapable of exercising its constitutional functions, the others, instead of discharging their duty by taking steps to provide for the deficieney, should consent to adjourn over for another fortnight? The duty the two remaining estates had to perform was, in his mind, of the highest consequence and of paramount importance. The right hon. gentleman who spoke last, had alluded to the inconveniencies that might result from the immediate appointment of a regent. That argument, however, was inapplicable with reference to the view he entertained upon the subject. It was by no means his wish to recommend the immediate appointment of a regent. But that was no part of the present question. What the House had upon this occasion to decide upon, was, whether it would hand over to the Privy Council those functions which constitutionally belonged solely to itself? And upon this point he would contend, that if the House should now refuse to inquire merely because the Privy Council had inquired, it would establish this principle, that the Privy Council had the right to supply any deficiency in the third estate; it would make that body the depository of its exclusive authority—it would establish a tribunal unknown to the constitution and the law of this country, by delegating in such a way to the Privy Council those powers which could alone belong to the two other branches of the legislature. Was that House prepared to consent to such a surrender of its constitutional functions? Was it ready, upon such a ground, and from false notions of delicacy towards his Majesty, to defer having recourse to those preliminary steps which were necessary to be taken before they could adopt those ulterior measures which might be indispensable? And was the House to concur in this, when it could not be certain that at the end of the proposed adjournment, from the continued indisposition of his Majesty, and the pressing emergency of affairs, that it might not be compelled to precipitate these very preliminary steps, which could now be taken deliberately,

and that in a manner too of which they might hereafter find reason to repent? Could the right hon. gentleman say, that his Majesty was more apprised of the examination which had already taken place before the Privy Council than the remotest inhabitant of the north pole?—Would he say, that he had thought it his duty to communicate that examination to his Sovereign? And how, he would ask, could the right hon. gentleman consider it his duty to communicate any inquiry which might take place before a Committee of that House, any more than he had felt it necessary to communicate the inquiry before the Privy Council? But the right hon. gentleman had said, that on this occasion the House had only a choice of difficulties. Undoubtedly, the fact was so. Yet, under such circumstances, it must be obvious that the greater evil ought to be avoided; and the lesser, if no other alternative could be resorted to, preferred. Did the right hon. gentleman then suppose that the majority of the people of this country would think that that House had adopted the lesser evil, by an abandonment of its duty in agreeing to the adjournment; and avoided the greater, by declining to proceed with the examination, as a preliminary step towards ulterior proceedings? As to what the other right hon. gentleman had said, as to the inconvenience that may result from the appointment of a regent, in overturning the existing system, he did not mean to meddle with that question. He could not presume that the Regent could entertain such a design; neither could he presume, that if his ministers should be so inclined, or so advise the Regent, the two Houses of Parliament would allow him or his ministers to do what was wrong, or to adopt any measures calculated to injure the essential interests of the country. Yet the argument of the right hon. Secretary proceeded upon an assumption that the Regent, his ministers, and the two Houses of Parliament, would be all equally ready to resort to such measures. The right hon. gentleman had also spoken of the painful feelings resulting from the situation in which his Majesty's servants were placed, and from which they could not be relieved till the functions of the executive were restored, and their resignations could be received. But was not their situation of their own choosing? Had they not shewn themselves anxious to obtain these situations, and to retain them too? The right hon. gentlemen may, however, be relieved by tendering their

resignations as soon as his Majesty shall have so far recovered as to be in a state to accept of them. He rejoiced to find by the report, that there was a high probability of his Majesty's ultimate recovery; but he could not forbear to observe, that all the physicians who had expressed the most confident expectation of that recovery, had also stated that they could not form any definitive opinion, form the uncertainty of all medical prognostics, as to the probable time at which such recovery should take place. One of the physicians even had said, that he could not form a conjecture that would be satisfactory to his mind upon the subject. With this certainty, then, of his Majesty's illness, with the uncertainty of the period of recovery, and with the knowledge of the very critical situation of the country, would the House abstain from making the preliminary inquiries, from false notions of delicacy towards his Majesty? The right hon. gentleman had certainly admitted, that if no considerable amendment should have taken place after the lapse of a fortnight, the urgency of public affairs would render it necessary to take measures for supplying the deficiency. But why this delay in taking the necessary preliminary measures? It would certainly be disrespectful to the Sovereign, and unconstitutional, to attempt to supply the executive without a previous inquiry into the state of his Majesty's health; and why not proceed to make that inquiry when it could be made deliberately and fully? As to what had fallen from the right hon. gentleman, respecting the dethronement of his Majesty by the appointment of a regent to govern in his name, if there were any force in it, then all the measures which may have at any time been resorted to by parliament to supply the deficiencies occasioned by time or accident in the executive, must have amounted to a dethronement of the reigning sovereign, a proposition too absurd to be maintained: If, as the right hon. gentleman had admitted, measures for establishing a regency should be necessary, in case no amendment should take place in his Majesty's health in the next fortnight, why should he object to make those previous inquiries, to expedite such measures, especially as in the existing state of Europe no man could tell what pressing emergencies may arise within that period? He should avoid, on that occasion, all question as to who should be regent, though he did

not think any doubt could be entertained as to the person; but he would state it as his opinion, that the duty of supplying the defect of the executive, whilst it may please Providence to afflict his Majesty with his present malady, devolved upon the two Houses of Parliament. The right honourable gentleman then briefly recapitulated the principal heads of his argument, and concluded by stating, that he should oppose the adjournment, as no man could have supposed that a longer adjournment than for a week would have been proposed, whilst a Committee would be appointed to examine the physicians in the mean time: he should, therefore, divide the House upon this question; and also upon a question for the appointment of a Committee to inquire into the state of his Majesty's health, if the House should so far desert its duty to the public, as to agree to the adjournment.

Sir Francis Burdett, agreeing as he did in many of the sentiments expressed by the right hon. gentleman who had just sat down, and differing as he did from that right hon. gentleman as to the right or the power of the two Houses of Parliament to supply any deficiency in the executive, should not think that he had discharged his duty to his constituents, if he omitted to state the grounds of his concurrence in the former, and of his disagreeing from the latter. He he felt all the delicacy of the question; but from a sense of duty, he must discuss the subject with impartiality towards the people. Whatever he may feel for the sufferings of the King, he could not be insensible to the perils of the Country, which had now been for a month without an efficient executive, and was proposed to continue for a fortnight longer in the same state. It was to him a strange and embarrassing question, who were to supply any deficiency which might take place in the exercise of the functions of the Crown. He knew of no precedent for such a case as the present, but the great precedent of 1688: when James II. by his gross and arbitrary violations of the original contract with the people—when upon his abdication the throne became vacant—and when the right of filling that vacancy devolved upon the people. He could not allow that any House of Commons, still less a House of Commons collected together by such means as it was notorious that assembly was, could have any right to supply the deficiency in the functions of the Crown. The right honourable gentleman (Mr. Ponsonby) had, in his mind, successfully shewn that the Privy Council had no right

to the power it had assumed; and that what had been offered to the Privy Council was no ground for a parliamentary proceeding, and still less for a proposition to continue the country in the state of anarchy in which it had been for the last month. *(Hear! Hear!)* The evidence laid before the House was not such as would be received in a court of law upon the most unimportant question. Without imputing blame to any of the parties, he must observe that a list of interrogatories might easily be so framed as to extract such answers as the inquirers desired. He did not mean to impeach the characters of the right honourable gentlemen as men; but he must observe that as ministers they or any others in their places were the last persons whose opinions should have weight with that House upon such subjects. Yet it was upon the flimsy document laid upon the table that these ministers called upon that House to grant the sovereignty of the country to them. *(Hear! Hear!)* Now, if this were to be the case, he should be at a loss what reply to make to his constituents, if they should ask him, why that House had suffered these right hon. gentlemen to send them about their business. He, for his part, would never consent to grant them the sovereignty, without taking any measures to supply the deficiency, which ought to have been taken in the first instance. The hon. gentleman below him (Mr. Whitbread) had clearly shewn, that, independent of his Majesty's illness, the people had been, for a very considerable time, deprived of access to him—that they had not been allowed to approach the Sovereign with their petitions—that the right of petition had been rendered quite a farce—and that no man could, in talking of that as a right in modern times, preserve a grave countenance. Besides, when he adverted to the advance of the King's age since the period of the precedent of 1788, so much relied upon, he should have been much surprised if the gentlemen below him could have agreed to the adjournment. When it was broadly stated, that, according to the principles of the constitution, that and the other House of parliament had the power to supply deficiencies in the executive, he felt considerable difficulty. He was at a loss as to the particular mode of supplying such deficiency; but he had no hesitation in saying, that they could not continue in their present state for any time. All that had been said respecting delicacy, had to his mind been introduced unfairly, in order to influence the feelings of members on the question in

discussion. It was absurd to talk of delicacy upon great public occasions. Delicacy might well suit the conversation of a tea-table; it might be very fit to be entertained towards the other sex; but in private life, when in ordinary transactions delicacy was talked of, it was only another name for roguery; and in state matters the law and the constitution of this country had broken in upon it. Every one knew that several great officers were required to be present at the lying-in of the Queen, a circumstance which in private families would be in the last degree indelicate. He hoped he should never hear more of this delicacy. The crown and the person of the king were wholly distinct. The laws of England knew nothing of the personal infirmities of the King. The King, by our constitution, can do no wrong; never dies: and if ever they were to suffer themselves to be influenced by considerations derived from his personal infirmities upon great questions of state, there would be an end of the constitution. *(Hear! Hear!)* As to the precedent of 1788, it was a precedent to be avoided, not imitated, and founded upon analogy, or without reason. When he found the right hon. gentlemen taking only so much of this precedent as suited their present purpose, he could not give them much credit for their candour, or their motives. As to who should be Regent, he would not pretend to dictate to this part of the nation, or to the nation at large: but he should never lend his sanction to the mischievous practice which had so long existed. Besides, the times had been greatly altered since 1788. Then we were at peace with all the world, now we are at war with nearly the whole world; then France was impotent, now she was nearly omnipotent; then our revenue exceeded our expenditure one million and a half, now our expenditure exceeds our revenue twenty millions; then our debt was not more than three hundred millions, now it is eight hundred millions; then we had recently concluded an advantageous commercial treaty with France, now our commerce is nearly annihilated; then all was quiet, peace, tranquillity, and prosperity; and how different is our situation at present! How, then, could they dare to tell the people, that after a month of anarchy they would desert their duty, and omit to take the necessary measures to save their falling country!

General Matthew supported the arguments of his worthy friend; and, after pronouncing a vehement philippic against his Majesty's ministers, in which he represented them as a

set of second-rate lawyers of desperate ambition, without ability, character, respectability, or the confidence of the public, concluded by declaring his intention to vote against the adjournment.

Lord Milton agreed, that the adjournment for a fortnight should not be adopted; but he differed with the preceding speaker, as to many of the reasons which he had assigned as the ground of his opinion. He conceived, that from the situation the country was in from the suspension of the executive branch of the constitution, we might fairly be said to be in a state of republicanism; and he conjured the House to consider in what a predicament they would, by voting for the adjournment, leave the country for a fortnight longer. The right hon. gentleman who made the motion, had told them, that if in that fortnight his Majesty's health was not very considerably amended, some decisive measure must be adopted, in order to fill up the chasm, which the present affliction of the Sovereign had interposed in the constitution. He did not know, till the present moment, how long it was supposed the country and the constitution could do without a king. They had now been one month without that office being exercised, and were, by the present motion, desired to dispense with it for a fortnight more; so that six weeks, it seemed, was, in the opinion of his Majesty's ministers, the period of time that it might be permitted to be dormant. The *thing* the right hon. gentleman had laid on the table, was to be the basis and authority for the acquiescence of the House to this motion; but he denied that it was the report of the Privy Council; and though the right hon. gentleman had laid great stress on its being given upon oath, yet it was not the best evidence the House had it in their power to obtain.

Sir T. Turton spoke on the same side.

Mr. C. W. Wynne thought the House ought to have the most authentic testimony of the state of the King's health, before it was called on to agree to such a motion. The report of the Privy Council, however respectable in itself, was not the best evidence that could be obtained; and in matter of such momentous import they ought not to be satisfied with any other evidence than that which was given before themselves. He then adverted to the difference in the situation of the country in the year 1789 and the present period. We were then in a state of profound peace. There were no generals to appoint—no dangers to menace us. We

were now at war with a most powerful and inveterate enemy; and should there occur a necessity, however urgent, of sending out any additional force to lord Wellington, we had not the power to do it. Neither could any money be drawn from the exchequer; for in whatever shape the call came, it would, he believed, require either the sign manual or the privy seal.

Mr. Bathurst spoke in favour of the adjournment; and *Mr. Adam* against it.

Mr. Wilberforce said, that after balancing in his mind every consideration which he had heard, both in favour of and against an adjournment, he could see no reason for voting against an adjournment—he saw no real, substantial, specific injury which the country or constitution could sustain in his supporting the adjournment, and therefore, laying his hand upon his heart, he could consider himself warranted in so acting.

Mr. Fuller.—"I never trimmed or juggled, and I'll not trim or juggle now.—I vote for the adjournment on the promises of Doctor Baillie and Sir Henry Halford, honest men as I know them to be; and, so far from being warped by interest on the present occasion, they make less by their attendance on his Majesty than they would by their attendance on the public at large. Those gentlemen, those honest men say, that his Majesty has at present force of mind and body, and that there is every probability of his perfect restoration to sanity of mind and body. What would we have more? What would we reason on in preference to simple facts—facts stated by the ablest and most virtuous men in the nation? Will any man deny them? Will any man in this House be base enough to desert our poor, good old man in his adversity?—Bless me from that most poignant of all afflictions! an affliction to which every man, from the prince down to the subject, is liable.—Bless me, Gentlemen, *(A loud laugh)* I feel for my King and my country—I never gave a vote against my conscience—I say it on my oath—Now let you who laugh at me say as much—I never voted against reform; but, to be sure, that has nothing to say to the present question. *(A laugh)* It may be ridiculous, gentlemen; but I say, whoever *rats* now, and runs away, may the honourable person to whom he runs not receive him! Whoever deserts the old King, is the basest of human beings, of human creatures: I care not whether he be prince or peasant: be him

prince or peasant that *rats*, I say, *Blow him from this Earth!* I shall now vote for this adjournment; but after it, in case the King's recovery is not complete, then of course I shall agree to other measures. I shall do what the nation expects, but I shall not desert my Sovereign now; and I say, that man is base who would adopt a contrary line of conduct—it will be mean and it will be unworthy."

A loud cry of Question arising here, the House divided on the question, that at its rising it adjourn to this day fortnight.

Ayes - - - - - - -	233
Noes - - - - - - -	129

The gallery still continued closed against strangers, and another division took place upon Mr. Ponsonby's motion, to appoint a Committee to examine the physicians.

Ayes - - - - - - -	137
Noes - - - - - - -	230

HOUSE OF LORDS.

THURSDAY, DECEMBER 13.

HIS MAJESTY'S INDISPOSITION.

The Lord Chancellor having taken the woolsack a little after five o'clock,

The Earl of Liverpool rose, and briefly reminded their lordships of the declaration he had made in that House, on the last day of their meeting, that he should, at the expiration of the adjournment, make some further motion respecting the future proceedings of their lordships, concerning the state of his Majesty's health, should no such further amendment take place, as should render it unnecessary to move any thing further. Notwithstanding the amendment of his Majesty's health, and the unanimous opinions of the physicians, which had been given in favour of a speedy recovery, his lordship did not see that, at present, that desired event was likely to occur so speedily as to warrant him in moving any further adjournment. In these circumstances he felt it to be his duty to submit a motion, leaving it and other consequent measures to the justice and wisdom of noble lords. He should first move, that a Committee of the House should be appointed, consisting of twenty-one lords, to examine the physicians

in attendance on the Royal person, and to report such examinations to the House.—Agreed to, *nem. con.*

The Earl of Liverpool then moved, that the said Committee be appointed by ballot, and be so chosen to-morrow.

After a few words, in a low tone, from the Duke of Norfolk, relating to the time of their meeting, the Earl of Liverpool proposed that they should be ballotted for to-morrow morning, before the usual hour of business. After their report, the House could proceed to such other modes as the circumstances of the case pointed out: the Committee might report on Monday.—Agreed to, *nem. con.*

The Earl of Liverpool rose again, and moved, that the Doctors Reynolds, Sir H. Halford, Heberden, Baillie, and Willis, be ordered to attend on their Lordships' Committee to-morrow; and such of them as might be in personal attendance on his Majesty, on Saturday next.—Agreed to, *nem. con.*

The Earl of Liverpool then moved, that the House should adjourn.—Agreed to, *nem. con.*

HOUSE OF COMMONS.

THURSDAY, DECEMBER 13.

NEW WRIT.

Sir John Newport moved that a new writ be issued for the county of Limerick, in the room of William Odell, Esq. who since his election has accepted the office of one of the Lords of the Treasury in Ireland.

On the question being put,

Mr. Biddulph expressed a doubt whether the House, under the circumstances in which they were at that moment assembled, and one branch of the legislature being unfortunately disabled from discharging its functions, could with propriety issue a king's writ for filling up a vacancy in that House.

The Speaker said, it became his duty to remind the hon. member, that this question had on a former occasion received a most ample discussion, and that the House had then seemed to feel most unequivocally and universally, that it was their duty to fill up as speedily as possible every vacancy which might happen to take place in the repre-

sentation of the people in parliament. He begged leave also to call to the recollection of the hon. member and of the House, that the writ moved for was not a king's writ, but a writ which the House had from its own authority a right to issue upon motion made whenever a vacancy in the representation of any county or borough should take place. Under these circumstances, he had no doubt the hon. member would be satisfied as to the propriety of the present motion.

Sir Francis Burdett said, he could not avoid feeling some doubts of a similar nature to those of the hon. gentleman who had deferred to the motion. They could not certainly call the present assembly a House of Commons—they certainly could not call it, in its present circumstances, a House of Parliament. It became, therefore necessary for them to act with caution in any measures by which they might be called upon to give a sanction to the filling up vacancies in the representation of the people in that House. He adverted to the act which empowers the Speaker to issue writs during the recess of parliament; but he spoke in so low a tone, and the confusion arising from the great overflow into the gallery, made it impossible for us to hear his deduction.

The Chancellor of the Exchequer appealed to the House to recollect, that no question could have been more fully or more gravely agitated than this had been on the occasion alluded to by the Speaker; and he never remembered an occasion in which, on a doubt having been suggested on any point, the sense of the House had been more decisively expressed. He could by no means agree with the hon. baronet in the doctrine he had adopted, that they were not now to consider themselves a House of Commons: they most assuredly ought not to esteem themselves as any other body than a House of Commons: they had been elected to their seats in that House by the voice and choice of their constituents; they had previous to the last prorogation been legally and constitutionally summoned to assemble as the representatives of the people, constituting the popular branch of the legislature; and though by the unfortunate calamity which had befallen the country in the so much to be lamented malady with which his Majesty was at present afflicted, the royal authority had for a time been suspended; yet, that House, as a branch of the legislature, had

not in any degree been deprived of the privileges which were inherent in it. One of the most essential of those privileges was, that as representatives they should be in as perfect a state as possible. The argument of the hon. baronet went a great deal further than he seemed to be aware of. If, as he had stated, the House could not issue any writ because of the temporary disability of the executive power to perform its functions, the courts of law could not issue any writ or process, all of which go directly in the King's name; and if that were the case, nothing could be imagined more melancholy or mischievous than the present state of the empire. But this was most happily not the case; for it was well known to be a vital principle of the constitution, that the Royal authority never ceases for a moment; and that House having been since their election assembled repeatedly by royal authority, their power must naturally and constitutionally continue, notwithstanding any partial suspension of that royal authority, and however much it was to be lamented. The House must on the present occasion consider themselves as the representatives of the people; and as such it became their duty to take especial care that every thing should be done by them to make and keep that representation as perfect and complete as possible. —The question was then put from the chair, and a new writ ordered according to the motion.

HIS MAJESTY'S INDISPOSITION.

The Chancellor of the Exchequer rose and said, that when he had last the honour of presenting himself to the House, immediately previous to the motion for an adjournment, which took place this day fortnight, he had then, from the statements and opinions of the physicians, and the flattering appearances which at that time prevailed of a progressive amendment in his Majesty's health, deemed it to be his duty to urge to the House the propriety of adjourning for another fortnight, in order to see if those favourable symptoms might not in that period render it unnecessary to take any measure to fill up the vacancy which the unfortunate malady of his Majesty had caused in the constitutional texture of the three branches of the legislature. In making the motion which he then submitted to the House, he was impelled to do so from a well-founded confidence that in the course of that period his Majesty's

health would be so far restored as to render it unnecessary for the other branches of the legislature to interfere by making any provision to fill up the chasm which had for a time so unhappily taken place in the constitution. He had at the same time signified to the House, that if, in the course of that adjournment, the flattering appearances which then predominated should not effect the wished-for alteration and amendment in his Majesty's health, that he should deem it necessary for the House to take such measures to supply the present want of the Royal authority as to its wisdom should seem most proper and expedient. It was now a painful task to him to be obliged to inform the House, that, though he had the most perfect confidence in the hope of his Majesty's ultimate recovery from his present unfortunate malady, yet such was its present state, that he should not think of proposing any further adjournment to the House. In this situation, therefore, no such favourable change having taken place, it became his duty to propose to the House such a mode of proceeding as appeared to him to be best adapted to the nature of the case. In doing this he should endeavour to follow precedent as closely as possible; and it was his intention to submit to its consideration the appointment of a select Committee to examine the physicians who had attended his Majesty during his illness, and to make their report thereon to the House. That after this Committee was agreed to, the House should adjourn to Monday, when it would receive the report. That the report should be printed, and if ready to be delivered to the several members of the House on Monday, the House should adjourn to Wednesday, on which day he should subsequently move that the call of the House should take place; that the House should immediately afterwards take the report of the Committee into consideration, and thereon proceed to adopt such measures as to its wisdom should seem most fit for supplying the vacancy which the unfortunate calamity of his Majesty's illness had made in the constitution. He would not therefore at present trespass longer on the time of the House than to move:—

"That a select Committee of twenty-one members be "appointed to examine the physicians who have attended "his Majesty during his illness touching the state of his "Majesty's health, and that they report the same, with "their opinion, to the House."

The motion being read from the Chair, was unanimously agreed to: the Committee consists of the members following:—

Chanc. of the Exchequer	Rt. Hon. W. Wellesley Pole.
Mr. Secretary Ryder	Sir J. Newport, Bart.
The Master of the Rolls	Sir W. Scott. Bart.
The Rt. Hon. G. Ponsonby	Sam. Whitbread, Esq.
W. Wilberforce, Esq.	Lord Castlereagh
Rt. Hon. R. B. Sheridan	Lord Milton
The Attorney-General	Rt. Hon. G. Canning
W. Adam, Esq.	Lord John Cavendish
H. Lascelles, Esq.	Rt. Hon. Hiley Addington
Rt. Hon. R. Dundas	T. Sherlock Gooch, Esq.
Rt. Hon. G. Tierney	

Mr. Whitbread complained of the mode of proceeding, which had been adopted by the Chancellor of the Exchequer, in giving notice to certain members of the House of the mode of proceeding he meant to adopt without communicating the same to every member, as had been done by Mr. Pitt on a former similar occasion. As, however, the right hon. gentleman had done him the honour to nominate him as one of the Committee, he should, if that nomination was approved by the House, make a point of attending the duty thereby assigned to him.

It was then ordered, that the Committee have power to send for the physicians, in order to their examination; to adjourn from time to time; and to sit again notwithstanding any adjournment of the House. That no member should be permitted to attend the Committee but those who had been nominated thereon; and that five of the said Committee be a quorum.

Ordered, also, that the House be called over on Wednesday next.—Adjourned to Monday.

HOUSE OF LORDS,

FRIDAY, DECEMBER 14.

Earl Camden reported to the House the names of the noble lords who had been chosen on the Committee for the examination of his Majesty's physicians, and for reporting

to the House the result of the same. The names were as follow :—

Archbishop of Canterbury	Bishop of London
Duke of Norfolk	Earl of Harrowby
Archbishop of York	Lord Viscount Sidmouth
Earl of Moira	Earl Camden
Lord Grenville	Earl of Westmoreland
Duke of Montrose	Marquis of Abercorn
Lord Ellenborough	Earl of Buckinghamshire
Earl Spencer	Earl Powis
Marquis of Lansdowne	Earl of Liverpool
Lord Eldon	Lord Redesdale
Marquis Wellesley	

The Earl of Liverpool then moved, that the Committee should meet to-morrow at twelve o'clock, and that eight be a quorum, with privilege to adjourn as they should think fit.

Mr. Quarme announced, that Drs. Reynolds, Heberden, and Baillie were in attendance, and they were accordingly called in and sworn.

The Earl of Liverpool moved, that their lordships should adjourn.—Agreed to, *nem. con.*

HOUSE OF COMMONS,

MONDAY, DECEMBER 17.

The Speaker having taken the Chair at about four o'clock,

Mr. Dundas brought up the report of the Select Committee appointed to examine his Majesty's Physicians—he moved that it should be read.

The Chancellor of the Exchequer observed, that as the report was voluminous, if there was no opposition on the part of the gentlemen opposite, perhaps it would be for the convenience of all that it should be read briefly in the usual manner, and then ordered to lie on the table (Mr. Ponsonby here nodded assent.)

The report was then read briefly: ordered to lie on the table, and to be printed.

The Chancellor of the Exchequer then rose and said, that

when he had last offered his sentiments for their consideration, he had proposed that the present delicate subject should come under discussion on Wednesday, and that there should be on that day a call of the House. From what had taken place, however, in the Committee, in the course of the morning, he was induced to prefer Thursday for the discussion. He should therefore propose, that on Thursday next the House should resolve itself into a Committee to take into consideration the state of the nation, and that the present subject should be referred to that Committee. On that day he meant to propose three preliminary resolutions, similar to those proposed on a similar emergency in 1788. The first resolution should state the indisposition of his Majesty, and his consequent incapacity to exercise the regal functions. The second should state the obligation imposed on the two Houses, to provide for the deficiency thereby occasioned. The third would embrace the manner of such provision, and this he should submit to be done by way of Bill. It would also in his opinion be most important, that each House should know the opinion of the other, before the adoption of any precise definitive measure. On the day which he had mentioned, he would feel it his duty to state the general outline of the measures which he meant to propose; and he hoped the House would not deem it disrespectful in him to forbear from making any further communication for the present. He concluded by moving, "That on Thursday the House should resolve itself into a Committee on the State of the Nation."

On the motion being put,

Mr. Ponsonby stated the obligation which he felt, in common with the House, to the right hon. gentleman for the candour with which he had communicated, so far, his proposed course of proceedings. He felt also, imposed upon himself, a necessity of informing the House what were his sentiments on the intended resolutions. With respect to the first, he supposed there would be little or no difficulty—the melancholy foundation on which it was grounded was, unhappily, too well known, to prevent unanimity on the subject. As to the second resolution; on that, also, no difference of opinion would be likely to arise, although, perhaps, some might think some amendment necessary to the one proposed at the period alluded to. But whatever might be his sentiments on the two first, he considered it but fair and candid in him to state, that the third should

have his most decided and strenuous opposition. Since, however, the right hon. gentleman had not thought fit to tell them the measures which he had it in his contemplation to submit, it became him of course to abstain from any farther observations. Before he sat down, however, he could not forbear declaring, that if it was intended to adopt the precedent of 1788, in his judgment, it was a proceeding which could not be imitated without offering a fundamental injury to the constitution of the country.

Mr. Sheridan began by confessing the fairness with which the right hon. gentleman opposite had submitted his intentions to the House, and also the candour with which his right hon. friend near him had declared his sentiments. He, for his part, did not regret that a delay of another day was to take place, as that interval might afford the Chancellor of the Exchequer an opportunity of more maturely considering the propositions which he meant finally to submit. *(Hear! Hear!)* If the right hon. gentleman meant to leave out of his consideration all the circumstances which had occurred between 1788 and the present period, and act upon that precedent, the case was desperate indeed. He hoped, however, that the right hon. gentleman would see that there was another, a safer, and more constitutional course for their adoption. If the right hon. gentleman meant to pursue a contrary one, he must say, in his opinion it was impossible that he could have read the debates of 1788 with attention; debates, however unfortunately tinged with intemperance, containing much sound information—it was, above all, impossible that he could have maturely considered the admirable letter of the Prince of Wales, in answer to Mr. Pitt's proposition; a letter reflecting the highest honour both upon the head and heart of the illustrious personage by whom it was composed, and fraught throughout with doctrines and constitutional arguments utterly unanswerable. On the present occasion there were two leading points which demanded their consideration. The first was, to supply the deficiency; the second, to supply it in such a manner as should afford the best security for the undiminished restoration of the regal authority to his Majesty, when it should please Providence to hear the universal supplications of the country, and reinstate him in his former health. There appeared to him, also, speaking as a private individual, in which capacity alone he addressed them, to be two ways for the attainment of those objects, and that they might be attained

by a mode more simple and more efficacious than that suggested by the Chancellor of the Exchequer. Let the House adopt, for instance, the precedent of the Irish Parliament (and the proceedings of that parliament stood on high authority since the Union), which, by address, invited the Prince of Wales to act as regent. If it was deemed advisable, they might, in that address, pray him to accept the authority under such limitations as might appear politic to the two Houses of Parliament. At the era of the Revolution, also, this was the mode adopted by the parliament, in their address to the Prince of Orange to assume the royal functions. They then proposed to him the acceptance of the sovereignty under such restrictions and declarations as the two Houses in their wisdom might think fit to propose. Such was the mode of proceeding adopted at that period by the best and most enlightened patriots England ever saw, as the best security for the dignity of the throne and the interests of the people. Such a proceeding, thought worthy of being adopted then, ought not surely be neglected now. By pursuing it, he had no doubt they would adopt a plan which would meet the emergency of the times, without degrading the Royal power, throwing any suspicion on the Prince of Wales, or offering any violence to the Constitution of the country.

Mr. Stewart shortly expressed his concurrence in the sentiments of the right honourable gentleman who spoke last.

The Chancellor of the Exchequer hoped that he should be permitted to say a word or two in consequence of what had fallen from the right hon. gentlemen on the other side. He could not avoid returning them his sincere thanks for having fairly stated the view they took of the points which he had mentioned to the House. The right hon. gentleman, however who spoke last (Mr. Sheridan), had commenced by saying, that he would merely throw out his opinion without entering into any argument on the present occasion. He doubted much whether the right hon. gentleman had not a little departed from the course he had himself laid down; and whether many of his observations did not rather appear like arguments, than like the simple statement of his opinion. He thought reference to the letter written, on a former occasion, by his royal highness the Prince of Wales, to Mr. Pitt, was rather beyond the line which he had prescribed

to himself of simply throwing out his opinion. He (Mr. Perceval) had not, in his statement, said a word about any particular restrictions to be imposed on a regent; but had merely stated that the *mode* he should propose for supplying the deficiency in the royal powers was by a bill, and not by an address. The right hon. gentleman might be, and probably was better acquainted with the particular expressions in the letter he referred to than he was; but (however he felt convinced, that the letter did infinite honour to to the illustrious Personage from whom it proceeded), yet he had a pretty distinct recollection, that it made no objection at all to the mode in which parliament proposed to proceed, but merely to the restrictions and limitations which it was intended to propose. It therefore did not appear to him, that there was any thing in that letter which shewed that his Royal Highness had expressed objections to the mode of proceeding by bill, instead of address. He should be sorry that any gentleman should go away with the erroneous opinion that he had any intention of bringing forward any propositions which would be degrading to the Kingly power, insulting to the feelings of his Royal Highness, or derogatory to the principles of the British Constitution. When he should come to state his propositions to the House, he trusted that he would be able to convince them, that they were perfectly consistent with the majesty of the Throne, the real interest of the Prince of Wales, now and at all times, and with the principles of the Constitution. He thought, that it was not necessary for him at present to state any thing further.

Mr. Adam thought that the right honourable gentleman had not gone far enough. His third resolution would be respecting the mode in which Parliament should proceed, in giving the kingly office to the Regent. He had mentioned that his mode would be by bill; and his right hon. friend (Mr. Sheridan) had given notice, that he should wish, on the contrary, that it might be done by address. It was clear, that the bill must comprehend and embrace all those limitations and restrictions which were to be proposed; and, therefore, it would be very desirable, that the House should be now apprised of the nature of those projected restrictions, in order that they might have sufficient time to turn the subject in their minds. It would be advisable, also, that the House should know whether the

care of the person of his Majesty was to be entrusted to the Regent or not. These were considerations of such importance, that the House ought not to be left completely in the dark about them, especially as the minister must have his mind now made up as to the course he intended to pursue. He thought the House at its next meeting should come perfectly prepared with respect to the plan that was to be submitted to their adoption, or that otherwise they would in effect be called upon to take a leap in the dark. He had already given his opinion on the general nature of the question in 1789, and he had since looked at the subject in every point of view, and he must decidedly prefer proceeding in the way of address. He should also oppose any attempt to restrict those prerogatives of the Crown which were given to it for the advantage of the people.

The Chancellor of the Exchequer did not know that it was necessary for him to make any farther explanations at present. The hon. gentleman who spoke last seemed to have entirely forgotten the course he (Mr. Perceval) had taken in his statement. He had said, that it was his intention on Thursday to state the plan of the course which he should have to recommend; and as he had mentioned that it was his opinion that the intentions of Parliament would best be carried into effect by a bill, he could not conceive how the hon. gentleman should apprehend that the House could possibly be taken by surprise, or that there would not be sufficient opportunities for considering and discussing such bill. He did not think that the House could be said to be called upon to take a leap in the dark, as it was his intention on Thursday to state fully to the House those reasons which had operated on his mind, and which he hoped would be sufficient to persuade it to adopt the plan which he should propose. This was the course usually pursued on other occasions; and having considered it as the proper course for him to pursue at present, he must own that there was nothing in the observations of the hon. gentleman which could induce him to depart from that course.

Mr. Whitbread expressed some surprise at the right honourable gentleman's refusal to give the House any idea of the nature of the restrictions he intended to propose; he could not believe that he had any other reason for this refusal but that, really and truly, he had not as yet made up his

mind upon the matter, and, therefore, he could not communicate, if he would, what was the nature of the plan which he was to produce on Thursday.

The motion was then put and carried.

The Chancellor of the Exchequer gave notice, that it was his intention, that the call of the House on Thursday next should be an effectual one.

The House then adjourned till Thursday.

REPORT.

The Committee appointed to examine the Physicians who have attended his Majesty, during his illness; touching the state of his Majesty's health; and to report such examination to the House; have, pursuant to the order of the House, proceeded to examine the said Physicians: which examination is as follows—

FRIDAY, DEC. 14, 1810.

Dr. HENRY REVELL REYNOLDS called in, and examined.

Question.—Is the state of his Majesty's health such, as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—Answer.—Certainly, he is incapable.

What are the hopes you entertain of his Majesty's recovery? I still entertain very confident hopes of his Majesty's recovery.

Do you found the opinion given of your answer to the previous question, upon the particular symptoms of his Majesty's disorder; or upon general experience in other cases of the same nature; or, upon both? Upon both; and for this reason: with respect to the particular symptoms of his Majesty, they are favourable, from the circumstances of the soundness of his constitution, preserved by simple and temperate diet, and the regular habits of his life; and also because his memory is as strong and as correct as ever it was, his perceptions as acute, (his judgment is perverted, and he has lost his discretion at present); and also because I have seen his Majesty recover from three attacks of the same disease, in some parts of which I think he has been even worse than he is at present.

Whether, in that particular species of the disorder his Majesty has fallen into, it has been found, from experience, that the greater number of persons so affected have been cured? I believe much the greater number.

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness? No. I cannot: our hopes and expectations of a speedy recovery have fluctuated with the fluctuations of his Majesty's complaint; but nothing has hitherto prevented me from thinking favourably of the ultimate termination of the disease.

As far as experience enables you to judge, do you think it more probable that his Majesty will, or will not recover, so as to render him capable of attending to public business? Yes, I have no doubt; there is such an integrity of mind about his Majesty, that when once his aberrations are gone, he will recover perfectly: how soon, it is impossible for me to say. I suppose some vestiges of complaint may remain when the principal part of the disease shall be removed; but I have no doubt of his being able to discharge his functions just as well as ever.

What degree of experience have you had yourself, in this particular species of disorder? In the course of upwards of forty years practice, I have seen several instances of it; many.

Has any amendment already taken place in the course of his Majesty's disorder, and does the appearance of such amendment continue at present? There have been fluctuations; his Majesty has sometimes been better, and sometimes again he has been worse; there have been paroxysms; there have been times when he has been apparently going on well, and then something suddenly has thrown him back: amendment has certainly taken place; but then it has been transient, and he has been a little worse again, and then he has been better again. He is much better now than he was at several periods of the disease.

What is the state of his Majesty's disorder at present, as compared with what it was when you were examined before the Privy Council? I perceive but very little difference from what it was at that time.

Can you ascribe his Majesty's disorder to any particular cause? I understand that it came on from the anxiety of his mind upon the illness of his daughter, the Princess Amelia; I believe there can be no doubt of that: those gentlemen who were in attendance upon her, I believe, will satisfy the committee upon that subject; but, from their report, I have no doubt it originated from that cause.

When were you first called in? On the 3d of November.

Who were the physicians in attendance at the time you were called in? Dr. Heberden, Sir Henry Halford, and Dr. Baillie.

Were they the only physicians in attendance? They were.

Was there any other confidential medical person in attendance at the same time? Not at the time I went.

Who are the physicians in attendance now? In addition to those gentlemen and myself, Dr. Robert Willis.

When was Dr. Robert Willis called in? To the best of my recollection, on Tuesday, the 6th of November, in the evening.

Is there any other confidential medical person now in attendance besides the physicians? Mr. Dundas has attended his Majesty: Mr. Battiscomb is his apothecary, and, of course, is there occasionally; but there is no other medical person.

Have you had opportunities of seeing the King, from time to time,

since your attendance upon his Majesty in the year 1788? Yes; I saw his Majesty in his illness in the year 1801, and also in his illness in the year 1804.

Have you been called in to attend his Majesty, or have you had any opportunities of seeing his Majesty in the intervals between those illnesses of 1788, 1801, and 1804, up to the time of your being called in, in this present illness? I have had few opportunities of seeing his Majesty, except in those illnesses. I have had occasion to see him two or three times on my own business, when he did me the honour of appointing me his physician extraordinary, and then his physician in ordinary; but not medically.

You have stated, that the greater number of patients, labouring under this same sort of infirmity as his Majesty, who have come under your observation, have recovered; do you mean, in the greater number, to include patients of the age at which his Majesty has now arrived? It has not occurred to me, to see any persons at that advanced period of life, labouring under this disease.

Do you know that medical people in general consider, that as life advances, after a certain period, recovery is deemed more improbable? Yes, I believe that is the general opinion.

Then, in the greater number of patients who have recovered, as stated by you, all those patients were in a class of age below that of the King? I think so; there was one whose age I do not recollect precisely.

Have you been in the habit of attending any of the public hospitals for the reception of patients under this disease? No, I have not been in the habit of attending any hospital appropriated to the reception of such patients.

You have stated, that you entertain a very favourable opinion of the King's ultimate recovery; and you have stated one of the reasons of your opinion to be, the soundness of his Majesty's constitution; in those patients whom you have attended, have you not found that very sound constitutions have often been afflicted with incurable maladies of this nature? No, I do not know that I have often found that.

Have you found it in any instances? I have seen people who have not recovered.

With very sound constitutions? Not with such constitutions as the King; probably, I should have had great hopes of them, if they had. But I cannot charge my mind now with every patient of the kind I have attended during forty years. The general impression made upon my mind does not authorise me to answer that question decisively.

When the constitution is so sound, as to afford the medical attendant no reason for the mental infirmity as arising out of that constitution, do you think that the probability of recovery is more or less from that circumstance? More, certainly, from a sound constitution.

If you cannot trace any cause for the infirmity? If I cannot trace any cause, if there is no hereditary taint, or any obvious cause for it, no external injury, or any thing which looks like organical affection of the brain; I should apprehend a sound constitution affords much the greatest probability of recovery.

You have stated, as another reason, the extreme accuracy of the

King's memory; in patients labouring under this infirmity, is not extreme accuracy of memory very frequent, and sometimes what may be called morbid? I never observed that.

You have always accounted for the probability of the King's recovery, by observing the strict, simple, and temperate diet the King has always used; when patients have come under your observation, whose habits of life have been exactly the reverse of the King's, has not the reducing them to that strict and temperate diet and life to which the King has been accustomed, afforded the best ground of hope for medical men, of their recovery? When excess in the habits of life have been too much indulged, the removal of that excess, and the subsequent adoption of a temperate and rather a more sparing regimen, has been frequently attended with success.

What do you mean by the integrity of the King's mind, at the present time? I mean, that his memory is entire, his perceptions are entire, and his acuteness is considerable, which appears from every now and then a comment on any thing that is said. His judgment I have said was perverted, and that at present his discretion is asleep at times; though every now and then there are gleams of both, but they are transient.

In detailing the present state of the King's mind, as to his memory, his perceptions, the aberrations of his judgment, and his loss of discretion; is not that state of mind common to all persons labouring under the same infirmity, or are they particular symptoms belonging to the King? I do not know that I ever saw exactly a case parallel to the King's; the disease is modified by his peculiar constitution, and perhaps in some measure by his peculiar station.

You have mentioned your expectation that the King will recover, and be able to transact public business again, but that some vestiges of the complaint may remain; do you mean to say, that the recovery will be, in your opinion, competent to the transaction of public business while vestiges of the complaint remain? Yes, I should have no doubt there might be times when his Majesty might be perfectly competent to every thing; and that, now and then, a little hurry or something might, for a quarter of an hour, or an hour, agitate him, but that it would all subside again. I understand that was the case in his former recoveries for a time; I did not learn it ceased; I did not see the King in any of his illnesses after he had been declared quite well: I understood it did not last above a month or two, or a few weeks; but I only speak from hearsay, in this respect.

Then, in fact, you ceased to visit the King in his former illnesses after he was declared quite well? Yes.

And you have heard that, subsequent to that declaration, there were occasional paroxysms of the disorder, though slight and short? They could hardly be called paroxysms; it was more a hurry of manner than any thing else, as I understood from those who saw his Majesty.

Were you a party to the declaration, in the three former illnesses, that the King was perfectly well? Not in the three former instances: at the time that I declared the King to be well, in the year 1789, I then thought the King well; that was, I think, in the beginning of March, 1789.

Were you a party to the declaration, that the King was perfectly well in 1789? I was.

In 1801, were you a party to the declaration, that the King was perfectly well? No: In 1801, after the King was so much the better, that the bulletins ceased in the morning, I withdrew: the King was going then to Kew: and I thought the King was so well, I did not apprehend it to be necessary for me to attend any longer. The King had a relapse, I understood, at Kew, but I did not see him in that relapse.

Can you recollect the date of the last bulletin that was signed by you in the 1801? No, I have no memorandum of it.

Who were the medical attendants upon the King, on his relapse at Kew, in 1801? I believe the late Dr. Gisborne, and Dr. John and Dr. Robert Willis. I do not know whether Mr. Dundas might see him, but they were the only physicians attending him at the time.

Were you a party to the declaration, that the King was perfectly well in the year 1804? Yes, I think I was at that time.

Was there any relapse after that declaration, in that illness? Not any, that I understood: I did not see his Majesty after that: but I never heard of any afterwards.

When you withdrew in the year 1801, was it in consequence of any difference of opinion with the other medical attendants? None in the world; it was merely because I thought that the King was a great deal better, and that my attendance was no longer necessary at that time.

You have mentioned the King's competency to business, in the intervals of periods of flurries which may occur after the disease has in a great measure ceased; during those periods of flurry, do you think that the King would be competent to transact any business, public or private? I cannot answer that question from my own knowledge; but what I understood was this, that if the King was, from any little opposition, rather in a flurry, if he was told there was any business to transact, it composed him directly: that was the testimony that was given to me by several persons who saw him at the time.

Who were the persons who gave you that testimony? I cannot tell exactly now: it was those who were about him at the time. I think I heard something of that kind from Dr. Heberden, but I do not mean to rely upon my quotation.

In 1801 there was a relapse? Yes.

But after the complete recoveries in 1789 and 1804 those flurries occurred? Yes. I did not understand there was any relapse in the first illness, nor in 1804. I believe, as far as I can recollect, taking the whole together, that illness was shorter than that of the year 1788 and 1789, even taking in the period of the relapse, the whole of the attack was shorter, because in 1788 the complaint commenced in October, and we did not declare the King well till the beginning of March. In 1801, it commenced in February, and I think the King was well before the end of May, and that includes the period of relapse.

At the time you ceased to attend the King in 1801, was there any declaration made that he was completely recovered? No declaration was then made that he was completely recovered. I do not recollect what the last bulletin was; but I know that I thought the King so well, that I could take my leave of him with propriety, and I did it: seeing the King getting better, and understanding that he was soon going to Kew, I thought that it would have a good appearance to the public that I had withdrawn; that it would be a confirmation to the public that the King was getting well.

Did you esteem the King well, at the time you withdrew your attendance upon him? I should rather think that I did think him well at that time; I thought him nearly so, that I could very safely withdraw.

You wished the public to understand, from your withdrawing from attendance, that the King was well? I wished so, because I thought so myself. But I do not recollect the precise terms of the last bulletin; but I am sure I never signed any thing that I did not think.

The Committee is to understand, that the complete recovery of the King is the same as the complete recovery of any other person of the same disorder, to be entrusted with any thing he may have to transact, whether public or private? I think so.

There is no difference, in your estimation, between the recovery of the King and that of any other person? None, in my estimation.

Is the present age of his Majesty likely more to affect the duration of his illness, than his age at the respective periods of his former attacks of this disorder? I can only answer that question by saying, that age seems to have made very few depredations upon his Majesty. He is apparently younger and stronger than many persons much younger than himself; and therefore much better able to resist the effect of disease than several persons, younger than himself, would be.

You will, in your answer, compare his Majesty, not with other persons, but with himself only. Does his present age, more or less, affect the probability of the duration of the disorder, than his age at the former periods of attack? I should apprehend that it must have some effect; though I do not see that he has at present suffered from his age.

At the period of his Majesty's former attack, in 1804, was his Majesty's sight as much affected as it is at present? No; I did not observe that his Majesty had any defect of sight at that period.

Is his Majesty's sight now become very defective? Very defective.

Is that defect of sight likely to have any influence upon his Majesty's ultimate recovery from the disease, or likely to have any influence upon the duration of the disorder, supposing him ultimately to recover? During a certain period of the disease, and under certain circumstances, his being blind is rather a beneficial circumstance, because it intercepts some sources of irritation; but at another period of the disease, it will be adverse to him, because it also intercepts some sources of amusement.

Computing, then, the different tendencies of the defectiveness of his Majesty's sight, do you, upon the whole, conclude that the defect of sight is favourable or unfavourable to the ultimate recovery of his Majesty, or tends to shorten or to prolong the duration of his illness, supposing him ultimately to recover? That is a question I can hardly make up my mind to: I see it operate sometimes for his benefit; and there are times when I think that the loss of sight will be a grievance, by preventing the amusing him and abstracting him from himself: but what effect it will have upon the protracting or accelerating his recovery, is a great deal more than I can give a definitive answer to.

In persons labouring under the disease under which his Majesty now unfortunately labours, do not the persons attending them address their countenances and manner, very frequently, very much to the eye of the afflicted person? Yes, undoubtedly.

Does not the eye afford to the persons attending persons afflicted

as his Majesty is, when in its perfect state, a means of control over the afflicted person? I have understood, that sometimes that effect has been produced; but I cannot say that I ever saw any remarkable instance of it.

Was not Dr. Simmons called in to attend the King, at the commencement of his present illness? I understood he was; but that was before I was there.

He did not continue in that attendance? He did not see the King.

Are you more or less sanguine in your hopes of the King's ultimate recovery, than you were when you were examined before the Privy Council? I am not less sanguine of his ultimate recovery, than I was then.

Have you experienced any disappointment, in the expectations you entertained when you were examined before the Privy Council as to his Majesty's recovery, as to the time of it? His Majesty's relapse, after the examination of the physicians before the Privy Council, certainly distressed us, and put the prospect of immediate recovery to a greater distance, but I do not think of ultimate recovery.

Are you of opinion that a person having had, with an interval of several years, repeated attacks of this malady, is on the last attack more or less likely to recover, than a person who has not been so previously subject to attack? I should rather think that the circumstance of his having got well before, from similar attacks, is a foundation of hope that he will from this.

Does advanced age, coupled with prior attacks of the same disorder with which his Majesty is now afflicted, make any difference, in your calculation, as to the probability of his recovery? It would in any other case; but there is something so peculiar in the King's, I do not think it has shaken our confidence.

What are the peculiarities which take the King's case out of your general observation? Those circumstances to which I have alluded before; the vigour still of certain faculties of his mind, and there being no mark of fatuity about him.

You have stated, that you understood the cause of his Majesty's present malady to have been his anxiety about the Princess Amelia; have you been informed, what were supposed to be the causes of the attacks his Majesty had in 1788, 1801, and 1804; or whether those attacks were referred to any known cause? I do not know that the first attack was referred to any known cause: in 1801, I did understand there was a cause; I did not understand that in 1804 there was any assignable cause.

When you were called in, on the 3d of November, did the physicians, who had been previously in attendance, inform you when the first symptom of his Majesty's present complaint was observed by them? I think they told me, on the 25th of October.

Have any of the Royal Family seen his Majesty, since you have been in attendance? No.

Has any person, other than the physicians and the attendants under their inspection, seen his Majesty since you have been in attendance? The Lord Chancellor saw him the day before yesterday.

Did the Lord Chancellor apply to you, asking your opinion as to the propriety or impropriety of seeing his Majesty before he saw him? Yes, he did.

Had any of the Royal Family previously applied for permission to see his Majesty? Not that we understood.

Was it with the unanimous concurrence of the physicians that no injury could arise to his Majesty's health, that the Lord Chancellor was permitted to see his Majesty the day before yesterday? There was no absolute dissentient: there was a discussion on the subject, and there was a doubt on some of our minds whether it would do him good or irritate him: but his Majesty had been informed the Chancellor was to be there; and it was then decided amongst us, that as that was the case, and he seemed to have made up his mind to seeing the Chancellor, there was more chance of irritation by preventing it, than there was by the Chancellor's seeing him; and therefore the Chancellor saw him with the unanimous concurrence of all, after that discussion.

By whom was his Majesty informed that the Chancellor would be there, and was that information given to his Majesty with the knowledge and consent of all the physicians in attendance? I believe Sir Henry Halford was the person who informed his Majesty the Chancellor was to be there.

With the knowledge and concurrence of all the physicians? Not at the time; Sir Henry Halford was alone with the King at the time he told him, and we did not hear of it till afterwards.

Then the day before yesterday, in consequence of such information conveyed to his Majesty, you and the other physicians had none but a choice of evils to choose from; that was, whether he would be irritated by seeing him, or more irritated by not seeing him? That was not exactly the case: we had some hopes that the seeing the Chancellor might give the King more self-possession; and I do not know that it did not for a time, because, we had known before, in former illnesses, that it had done so. But there was no evil to be apprehended from it, except there might have been a little momentary anxiety about the King. We doubted whether it would be right or not, in our discussion among ourselves; but there was nothing of clash or of opposition of sentiment; it was a temperate discussion; there was no dissentient at all; it was not apprehended that it was a choice of two evils.

Had you been consulted by Sir Henry Halford, whether he should inform his Majesty, in the manner he did, as to the Chancellor's attendance, would you have agreed to his Majesty being informed? That would have depended entirely on the state in which I might have seen the King at that time.

Have you, within the last fortnight, seen the King, at any time, in such a state, that you thought it desirable the Chancellor should visit him? I do not know that I should of myself have mentioned it; at the same time, I do not know that I had any objection to it. I do not think the King was quite in the state in which I should have expected much benefit to have resulted from it.

When the Chancellor consulted the physicians, on the propriety of seeing his Majesty, did the physicians agree on any stipulations as to speaking on subjects of business or otherwise? Yes, they did; they desired the Chancellor to avoid any thing that might create discussion. One principal reason why it was suggested, that it might be right for the Chancellor to see the King, was, that Parliament might not take the state of the King merely from the representations of his phy-

sicians. In the first attendance I had upon his Majesty in the year 1788, for that reason, I desired that the Chancellor would see the King, and that Mr. Pitt would see the King; and at my desire they both saw him.

At what period of the King's illness was that? It was within the first month, for it was while his Majesty was at the Queen's lodge, at Windsor; it was in the latter end of the month of November, 1788. lord Thurlow went in, and Mr. Pitt also saw the King at that time, before his Majesty was removed from Windsor to Kew.

Do you recollect whether any advantageous effect was produced on his Majesty, by seeing Mr. Pitt and Lord Thurlow? In both instances a beneficial effect ensued.

In what way did those advantages shew themselves? The King became more composed, and he was more manageable afterwards: at that time we had no other persons in attendance upon the King but his pages.

Has his Majesty been bodily indisposed once or twice within the last fortnight? Yes, there has been at times considerable accession of fever about the King.

Do you attach any importance to such bodily indisposition as his Majesty has been subject to for the last fortnight? I attach considerable importance to any accession of fever, and there was accession of fever within the last fortnight; we had no alarm on account of any other indisposition.

In using the word "fever," do you mean an accession of the mental disease, or of bodily indisposition? Of bodily indisposition, when we have made use of the word fever; the King had fever, though accompanied with an aggravation of the mental disease; yet it was independent of that.

Was it at the suggestion, or at the request of the Lord Chancellor, that he saw the King; or was the Chancellor, upon his arrival at Windsor to inquire after his Majesty, informed it was settled that he should attend upon him? It was not at the suggestion of the Chancellor, and his lordship said that he was not even prepared to expect such a circumstance; it was rather at the recommendation of the physicians in attendance.

When Lord Thurlow and Mr. Pitt saw the King, in his former illness, were any of the physicians present at the same time?—Yes, I was present.

Were any physicians present when the Lord Chancellor saw him the other day? No.

Nor any other person? Not any person was in the room but the Chancellor. Sir Henry Halford introduced the Chancellor to the King, and then retired; and no other person was in the room.

You have stated that one of the inducements to the Chancellor's seeing the King was, that Parliament was to meet the next day; did the physicians desire the Chancellor to see the King, because they were aware that Parliament was to meet the next day? I do not know whether that was not one of the reasons; but it was not done with any disrespect to Parliament, only with a view, as it had been in the former case in the year 1788, that Mr. Pitt and the Chancellor might both have to say, that they did not take the state of the King merely from the representation of his medical attendants.

Has there been at any time, in your opinion, any connexion be-

tween the defect subsisting in his Majesty's sight, and the mental disorder under which his Majesty at present labours, or at any former period laboured? No, I do not apprehend there is.

You have said, that you are not less sanguine of his Majesty's ultimate recovery, than you were when you gave your evidence before the Privy Council; are you less sanguine of his Majesty's speedy recovery than you were at that period? Yes, of his Majesty's speedy recovery; from the relapse which took place immediately afterwards, we certainly have not so fair a prospect.

Can you state any probable time for his Majesty's ultimate recovery? No, I cannot indeed; I think the King is very much in the same state that I saw him in the latter end of the year 1788, and the beginning of the year 1789; but it varies so, there are so many fluctuations, that when we see the King a little better, and going on a little better for two or three days, we are sanguine; and if there comes a relapse it throws us back again; there are such fluctuations, it is impossible to give any positive and decided opinion; and indeed, in this case there is no definitive time in the nature of the malady; when men have a common fever, after the symptoms have been formed three or four days, one can form a pretty good judgment as to the duration of the disease; but in this, I believe, nobody has ever been able to ascertain any precise time.

Then I understand, from the nature of the malady, it is impossible for medical skill to ascertain the time of recovery, as in a fever or other ordinary disease? Just so.

Are you of opinion that that difficulty is increased by his Majesty's advanced age, and by any other infirmity that may have attached to his Majesty? The King's is a green old age; there is so much apparent integrity of constitution about him, that I think that certainly does not operate upon my mind; and I believe not upon the mind of any, so much as it would in the case of any other person.

Do you know how long the Chancellor remained with the King? Very little more than a quarter of an hour; I think Sir Henry Halford said he minuted him, and that it was 18 minutes.

You have stated that when Lord Thurlow saw his Majesty in 1788, and when Mr. Pitt saw his Majesty about the same time, you were present at those interviews? I was present when Mr. Pitt went in, and I think I was once present when Lord Thurlow went in.

Nobody was present the day before yesterday, when the Lord Chancellor went in? No.

Was the absence of the physicians, upon this occasion, at the physicians' own suggestion, or at the request of the Lord Chancellor? At the physicians' own suggestion, that the Chancellor should form his own opinion.

Did not the duration of his continuance depend upon the opinion of the physicians? Entirely: the stipulation of the physicians was, that he should see his Majesty for a quarter of an hour.

It was of Sir Henry Halford's own motion, that he proposed to the King to see the Lord Chancellor; and, having so proposed to the King, he communicated to the other physicians that he had so proposed, and they after some discussion consented to it? Yes.

But it was not first of all proposed to the physicians as a measure

by Sir Henry Halford?—It had been discussed among us some time before, and Sir Henry Halford at that time thought he saw the King in such a state in which we all said if we had seen him we should have wished it: there was no blame in the world attached to Sir Henry Halford.

When his Majesty's physicians, occasionally, in their daily reports, describe his Majesty as being better, do they mean to confine themselves exclusively to his mental disorder, or to combine with it any considerations of his bodily state? To combine them; when they say he is better, they mean both.

Fever, in the bulletins, means not merely fever, but the mental disorder aggravated by fever? At those times the King has had fever, and it has perhaps been the most prominent part of his disorder; there have been periods when the King was very seriously ill with fever.

[Withdrew.]

Dr. MATTHEW BAILLIE called in, and examined.

Can you assign the present disorder of his Majesty to any particular cause? I have no doubt in my own mind that his complaint arose out of the great affection that his Majesty had for his deceased daughter, and the great affliction that he felt during her long and tedious illness.

When were you first called to see the King? I believe it was the 25th of October.

Were you in the habit of attending on the King before his illness? No, not at all.

Did you ever visit the King, as a patient, before this illness? No, never.

In ordinary cases, would you suppose that a patient was more likely to recover from a mental malady, having been affected with mental malady three or four times previously, than if he had never been so affected? I do not know very well what answer to give to that question: I think it bears two ways; it appears to me, that where a person has had an indisposition with certain symptoms three or four times, and has recovered, it always gives a considerable presumption, provided the constitution is not much weakened in its powers, that the person will recover again; at the same time it may be said, that the susceptibility to disease is increased by the number of attacks, and in that point of view the person might not be so likely to recover. I think, however, that the other reasoning has more power altogether than the last; and therefore I should say, that if the constitution is not much weakened, it gives a presumption, if a person has recovered from a similar disease three times, that he has a considerable chance of recovering the fourth time.

When you talk of the King's recovery, and competency to public business, you mean, the complete recovery, as you would speak of another patient, to be competent to the management and direction of all his affairs? I think so. I do not say that the King might not fall back and be liable to any future attack of a similar indisposition; but as far as I can judge of it, it is most probable, that if he does recover, he will recover with the same power of performing his duties, as a sovereign, as before.

Have any of the Royal Family seen the King, since his indisposition? Not as far as I know; I believe at the time he was beginning to be hurried at first, his family saw him; but since the disease established

its character, I believe, none of the Royal Family have seen him. I believe nobody, since the 25th of October.

Is the hurry of which you speak, to be understood as subsequent or anterior to the 25th of October? He was certainly very much hurried on the 25th of October; but I believe there were little marks of the same sort before that; and that they were observed by his family, before they were observed by strangers.

Did you observe any symptoms of it before the 25th of October? I think once or twice I observed a little, but it did not strike me much; on the 24th it was very well marked. I saw the King twice a day, before the 25th, to give an account of his daughter.

Did you make any observation, on the state of the King on the 24th of October? I have no recollection of making any particular observation.

Can any persons have any access to his Majesty, without the knowledge and consent of his physicians? I believe not; there are certain persons of course established about his Majesty, but there is no stranger; occasionally one or two of his confidential pages have come into the room for an instant, but I do not know that any body else has.

Has any person, other than the Royal Family, or his pages, or attendants, seen the King, since you have been in attendance upon his Majesty? Yes, the Lord Chancellor saw his Majesty the day before yesterday.

Were you consulted on the propriety of the Lord Chancellor's seeing the King? It made a part of general conversation, among the physicians, the day before the Lord Chancellor saw the King; and it was thought upon the whole, perhaps, that it would be more satisfactory that the Chancellor should see the King, so as to give an account of him from his own observation.

Was that a matter that suggested itself to the physicians in their medical capacity, or was it thrown out from any other quarter? It was not thrown out from any other quarter so far as I know.

From which of the physicians did the first suggestion come, of the propriety of the Chancellor seeing the King? I believe it was from Dr. Heberden.

To what reasons did Dr. Heberden assign, for wishing the Chancellor to see the King? There was no reason assigned, but that I have assigned now, that it was thought desirable Parliament should have, not simply the report of the Physicians, but the report of the Lord Chancellor, from his own observation.

Did the physicians consider it any part of their duty to discuss what would be most satisfactory to Parliament? I really do not know, whether they may not have gone beyond their duty; I do not pretend to say whether it was wise or not.

Do you know that his Majesty had been informed, previously to such consultation among the physicians, that on that day the Chancellor would be at Windsor? Yes, he was informed.

By whom was he so informed? I believe by Sir Henry Halford.

Was such information communicated by Sir Henry Halford to the King, in consequence of any discussion among the physicians? There was no discussion, as far as I recollect, by which Sir Henry was empowered to make any communication to the King; and the fact is, I believe, it was thought afterwards better, that the communication had not been made.

Has his Majesty been subject to any bodily indisposition, within the last fortnight? His body has hardly been at any time perfectly free from indisposition.

Do you attach any importance to the indisposition to which his Majesty has been subject, in the course of the last fortnight, as affecting his general health? I should not, I think, attach much importance to it; the idea that naturally occurs to the mind, in considering a small defect of bodily health is this, that as the King during the whole of this indisposition, has had more or less of bodily indisposition, though sometimes very little, yet it becomes an additional, though a slight proof, that he may probably recover, that he has that bodily ailment: if there was precisely the state of mind which the King has, without bodily ailment, we should say, there was altogether a less chance of the King's recovering, than if he had the bodily ailment just stated; at the same time, I think it right to say, that sometimes that bodily ailment has been very little.

Does the King's age render his recovery more or less probable, than if he were a younger person? It certainly renders it less probable; at the same time, age is, a relative term; the King, at 72, is stronger and younger, if one may use that expression, than many persons of 62, and therefore may have a better chance than most persons would have at the same period of life.

Does the King's defect of sight at all influence, in your opinion, the probability or improbability of the King's ultimate recovery? I have really no experience at all, and therefore what I shall say to the Committee must be considered as a conjecture, and therefore be probably of little value. I should conceive that, in the earlier periods of an indisposition, like the King's, blindness would probably be an advantage; that it would lessen the excitement; but when a person, afflicted like the King, goes on towards recovery, I conceive that the want of sight would be a disadvantage, because he would be deprived of many amusements that would occupy his mind and assist in the complete recovery. I conceive, that when a person, similarly situate with regard to complaint as the King, has got into a state of convalescence so as to be able to take exercise, perhaps the having sight would be then a disadvantage again, because he would be roused by a great many objects, and take violent exercise, which might possibly bring back a return of the complaint. What I say now, however, is altogether conjecture.

Do you think that the King's defect of sight is less likely to have an influence upon the ultimate recovery of the King, than upon the duration of his disorder? I should think it less likely to have an influence upon the positive recovery of the King, than upon the duration of his illness.

Can you, under the circumstances which peculiarly attach to the King's situation, his defect of sight, and his age, form in your own mind any conjecture, at all satisfactory to you, as to the probable duration of the King's illness? I really cannot. I can only give the answer I have done before; we can only conjecture, and there is no other ground of judgment I can perceive, than that of comparing the present with his Majesty's former illnesses; at the same time, I think, the circumstances are such, as to render it likely that the present indisposition will be a longer indisposition than some of the former.

Have you ever known an instance of a person, of the King's age, and deprived of sight, recovering perfectly from an attack, such as

his Majesty now labours under? I have never known, so far as I recollect, but one person who was affected with this disorder, who was as old as the King, and that person saw; but that person did not recover.

Have you a more or less sanguine expectation of his Majesty's ultimate recovery, now, than you had at the period when you were examined before the Privy Council? I have rather a less sanguine expectation; but the difference in that respect, I ought to say, is very little.

Have you a more or less sanguine expectation of his Majesty's speedy recovery, now, than you had at that period? I never thought it likely that his Majesty would recover soon; if there is any change in my sentiments now, it is most probably that it will be longer than I thought at one time.

What has made you somewhat less sanguine of the King's speedy recovery, than you were when examined before the Privy Council? That there has been another attack since I was examined; and I think the remission since the attack has been hardly so complete as some of the former ones were.

Having stated, in the earlier part of your examination, that you believed his Majesty's affection for the deceased Princess, and grief during her illness, was the cause of his Majesty's indisposition, will you state whether, in your opinion, the circumstance of such a cause being assignable, is favourable or otherwise, with regard to the prospect of his Majesty's recovery? I can only answer that question by conjecture; but I should say, upon the whole, it was rather favourable. It is better to know some fixed cause for the complaint, and it is better likewise that the cause should have ceased, which it has done in the present instance.

[Withdrew.

SATURDAY, DECEMBER 15, 1810.

Dr. WILLIAM HEBERDEN called in, and examined.

[The first eight answers of Dr. Heberden were similar to those given before the Privy Council.]

State your opinion upon the present state of his Majesty's health, as compared with that at the time you were examined before the Privy Council; do you conceive him to be better or worse, or in the same state? I should conceive him to be very much in the same state. It would be right to add to that answer, that his Majesty has not continued uniformly in the same state, since I was examined before the Privy Council; but has been worse for a few days, and since then has been better again.

When did you last see the King? I saw the King yesterday morning.

What was his state at that time? I understood that his Majesty had passed a very good night; but previous to my seeing his Majesty in the morning, it had been mentioned to him, that his physicians, or some of them, were coming to town for the purpose of being examined;

and I believe it was owing to that cause, that his Majesty had a little hurry upon him at the time I saw him: I conceive it was owing to that cause, because his conversation was directed to that subject.

By whom had the communication been made to the King, that his physicians were coming to town to be examined? I understood it to have been made by Dr. Reynolds.

Did Dr. Reynolds make that communication to the king, by the advice and with the concurrence of the other physicians, or with their knowledge? Dr. Reynolds meaning, to come to town sooner than the other physicians, had seen his Majesty earlier, and mentioned it to him, I believe, when he was by himself, and previous to any communication with the other physicians.

Will you have the goodness to define what you mean by the word "hurry?" Talking more rapidly, and with quicker transitions from one subject to another.

Is the Committee to understand, that you mean to express an incoherent talking? No.

As you presume that the communication made to the King had occasioned the hurry you witnessed, do you mean to inform the Committee, that, after having had a good night, the King has been, in the present illness, invariably better than when he has passed a sleepless night, or a night with very little sleep? He has, very generally, been better after passing a good night.

Has that always been the case? It has not always been the case.

When you state, that you expect that the King's recovery will not be very distant, what limitation of time do you apply to the words "very distant?" I can apply no distinct limitation; but in his Majesty's last illness I was called to attend him on the 12th of February, 1804; and his Majesty first presided at a council, I think on the 23d of April following: I should expect his illness, in the present case, to follow nearly the same character as in that illness; and, what I understand to have been the case in his former illnesses.

Do you expect, that, dating from this day, his Majesty is likely to be so far recovered within in one month, as to be able to preside at a council? I cannot possibly give any distinct answer to that question; there is nothing that makes it impossible, and there is nothing that leads me to say it will be so.

Have you seen such symptoms of his Majesty's disorder, since you were examined before the Privy Council, as to lead you to hope his recovery will be more speedy, than you did hope at the time you were so examined? I think there are no circumstances to lead me to expect it would be more speedy, than when I was examined before the Privy Council.

Have there been any circumstances which have induced you to abate of your hopes and expectations of a speedy recovery? No circumstances to induce me to abate my hopes of his ultimate recovery, and no other circumstances to make me doubt of his speedy recovery, than there having elapsed another fortnight, without his being at present forwarder than he was at that time.

Have his physicians been disappointed in their expectations of the fluctuations in the King's disorder, since the 29th of November? They have not been disappointed in their general view of the case; at each particular period of remission of his Majesty's illness, they

have entertained a hope that it might go on a nearer approach to recovery than it has done.

When were you first called upon to attend the King, in your professional capacity? On the 12th of February, 1804, I began a regular attendance upon his Majesty. He may have occasionally asked me some things, on the subject of his health, before that: but not as a consultation of a regular physician.

Did you attend the King, during the whole progress of that disorder? Yes, I did.

Did you refer that disorder to any assignable cause? Yes.

Do you think that a patient who has been afflicted with mental derangement frequently, during his life, is more or less likely to recover from the disorder under which he may labour at the present time, than if he had never been so afflicted? I should conceive it must depend upon the effects apparently produced by each attack of the disorder.

In the case of the King do you think, that his having been afflicted three times previously with the same disorder, makes him more or less likely to recover from the present attack? More likely.

Do you take his age into consideration, when you answer that question? I do.

You have stated that the greater number of patients, as far as your experience and information have gone, have recovered from attacks of a similar nature; in speaking upon that subject, do you include patients of the age at which the King has now arrived? No; the cases that I know distinctly of, respecting persons of the King's age, have been too few for me to speak particularly to that effect.

Have you known any cases of patients above seventy years of age? I have known cases of derangement of persons above seventy years of age; I have known no case similar to his Majesty's, in any person of that age.

In those cases of derangement of patients above seventy years of age, have any of them recovered? In derangement, if the delirium of fever may be so called, certainly many have.

Do you, speaking medically, consider the delirium of fever to come under the description of derangement of mind? It certainly does not come under the general character of insanity; no more does his Majesty's case.

What description would you give of his Majesty's case; is it merely the delirium of fever? No, it is not merely the delirium of fever; nor is it any common case of insanity; it is a derangement attended with more or less of fever, and liable to accessions and remissions.

Has it at times happened, during your different attendances upon the King, in disorders of this nature, that the King has been affected with fever? Through the whole course of it, his Majesty has not uniformly been affected with fever; the beginning of the last attack, and the present attack, which is all I can personally speak to, have been attended with fever; and fever has occasionally occurred during the course of them.

Has there been, at any time, in the King, during the course of these disorders, derangement without fever? Yes.

During the periods at which derangement has occurred without fever, how would you then describe the disease? I can give it no other term than derangement.

Have you seen patients, above seventy years of age, who have laboured under derangement without fever? I have seen cases of insanity in persons above seventy years of age.

Have those patients recovered? No.

Have those patients, or any of them, whom you have seen labouring under insanity, and above seventy years of age, been attacked after the age of seventy? I believe not.

Were they patients, or any of them, who had experienced attacks of insanity in the earlier parts of their lives, and had intervals of sanity between those attacks, or were they patients who had been afflicted with one continued insanity? I can only speak decidedly of one case where there have been intervals of sanity.

Is the patient now dead? Yes.

How long was it from the time of the last attack on that patient to his death? I did not see it at the beginning, but I believe four or five years.

Do you know how long previous to the age of seventy the last attack, which terminated only in death, had commenced? I believe very much about the age of seventy.

What is the present state of the King's bodily health, in your opinion? There is no material injury that his Majesty appears to have suffered in his bodily health.

Is his Majesty's constitution what may be called perfectly sound? Perfectly.

Do you think a perfectly sound constitution co-existing with a complete mental distemper, a favourable symptom towards recovery from a mental disorder? In such cases, where the mental disorder has been attended with any affection of the bodily health, I should consider the soundness of the constitution, and a perfect state of health, to be material to a person's recovery.

You would have greater hopes from the circumstance of a sound constitution and bodily health? In cases where the mental disorder had been connected with any affection of the body.

In the King's present disorder, do you attribute that disorder to any bodily derangement? Not originally.

Does it now depend upon any bodily derangement? It is connected with his bodily health; his bodily health has been affected by his disorder.

Has that affection of his bodily health produced such re-action as to account for his present state altogether? I do not consider his Majesty's bodily health to have been the origin of his disorder; but his Majesty's bodily health has been affected along with the disorder, and made part of the disorder.

Are there any symptoms now attending his Majesty's bodily health, by the removal of which you think that the recovery of his Majesty's reason would be attained? His Majesty has a tendency to fever, sometimes existing, sometimes not existing, the removal of which tendency would contribute to his Majesty's restoration, in my opinion.

Has there been, during the present illness, at any period, a total absence of fever? Yes.

During the total absence of fever, in the present illness, has, at any time, the derangement of mind continued? I believe never, in a great degree.

In any degree? Yes.

You have stated that it has happened, that the King has had some hours sleep in the course of the night, and has not been better after that sleep: do you reckon that a favourable or an unfavourable symptom, in regard to the King's recovery? I should think it indifferent in regard to his ultimate recovery.

Would it lead you to suppose, that his recovery was not likely to be so speedy as if sleep produced its desired effect? It would not lead me to form any certain conclusion, with regard to that effect.

When you attended the King in the year 1804, did you sign the bulletins at that time? Yes.

Do you recollect the last bulletin that was put forth to the public? No.

Was it intended that bulletin should convey to the public that his Majesty was completely recovered? I apprehend that the bulletin must have been intended to convey an idea that his Majesty was perfectly recovered, so far as regarded a competency to transact public business.

Are the Committee to understand, that when you apply the words "perfectly recovered" to the King, you apply them in the same sense as you would to any private individual, that he was perfectly recovered, for the transaction of any business, public or private, which might belong to him, and to the entire management of his affairs? Yes.

The Committee then are to understand, that at the cessation of the bulletins, in the year 1804, the King was so completely recovered? I apprehend so.

After the cessation of the bulletins, did you visit the King as his physician, in 1804? After the cessation of the bulletins, his Majesty went out of town; I was not with him out of town; he returned to town at no very long intervals, and then his Majesty's physicians attended him. I believe it was in the month of August that his Majesty went down to Weymouth, and from that time to the end of October Sir Francis Millman and myself were, one of us, always with his Majesty; for the greatest part of the time, I was with his Majesty.

Were you and Sir Francis Millman the only attendants upon his Majesty at Weymouth? Yes.

At any period subsequent to the bulletins in 1804, did you perceive in the King any flurried manner, which excited your attention? His Majesty was more liable to hurries; but I believe that at any period of any day he was perfectly competent to transact business.

Do you consider the hurries, of which you have been speaking, to have been any vestiges of, or at all dependent upon, the King's malady? I do.

You have said, that fever has accompanied the King's malady, and that that fever has been intermitting during the course of his malady, but that you did not consider the fever to be the cause of his malady; do you conceive the cause of his malady to have been the affliction of the King for the illness of his daughter? I do.

You have said that you do not consider the King's to be a case of ordinary insanity? I did.

What is the cause in your opinion subsisting in the King's constitution, which renders him liable to these attacks of mental derangement?

It is a peculiarity of constitution, of which I can give no distinct account.

Can you give any distinct account of the cause of the accession of fever which sometimes attends the mental derangement of his Majesty? In the disorders which his Majesty has had similar to the present, and in the present disorder, the whole frame has been more or less disordered, both body and mind.

Can you form any opinion of the cause of that fact? I conceive, with reference to the present case, that the cause was certainly owing to his Majesty's anxiety on the subject of his daughter's illness; that cause produced, from the peculiarity of his Majesty's constitution, the derangement both in body and mind which constitutes his present disorder.

Are you able to afford the Committee any information as to the peculiarity of that constitution, in what it consists? I conceive the peculiarity to be simply, that his Majesty has appeared liable to attacks of disorder similar to his present; but the cause of his being liable, I cannot at all assign.

Has the remission of the fever, after the last considerable access of the disorder, been as entire and complete as after any former attack, in this now subsisting indisposition of his Majesty? I consider the present remission to bear date from the evening of the 10th of this month; during that interval, from the 10th to the time that I left his Majesty yesterday morning, I should conceive the intermission is as perfect as during the same number of days in any former intermission of his present illness.

Do you conceive the defect of his Majesty's sight to be a circumstance favourable or unfavourable to his ultimate recovery? I should consider it as a circumstance of inconvenience, but not a circumstance at all prejudicial to his ultimate recovery.

Do you conceive it to be a circumstance having any influence upon the duration of his illness, and tending either to prolong or to shorten it? I should not consider it likely either to prolong or to shorten his illness to such a period when his Majesty was described, in my answer to a former question, to have been considered capable of transacting public business; after that period I should conceive it of use to his Majesty, in preventing the subsequent hurries that were alluded to.

Is the Committee to understand you as saying that you consider the defect of his Majesty's sight as a circumstance neither likely to retard nor likely to accelerate the period of his recovery, so as that his Majesty shall arrive at that state which you call a fit one for the discharge of business? I conceive it to be an indifferent circumstance as to that.

You have stated, that since you were examined before the Privy Council, his Majesty has been worse for a few days, and since then better again? Yes.

Is the Committee to understand from that, that since the examination before the Privy Council, his Majesty has had a relapse? Yes.

State whether, since that relapse, or in consequence of that relapse, you have the same confidence and expectation of a speedy recovery that you had before? It would not alter my opinion of the probable time of his Majesty's recovery, though I can hardly pronounce it speedy.

Do you know whether during the former attacks of his Majesty, after any remission of the disorder, there was any renewed increase of his illness? There have been several.

Has the apprehension of a recurrence of mental malady in the mind of any patient, after repeated attacks, any and what effect in producing the renewal of such attack? I should conceive, an apprehension in the mind of the patient would not tend to produce any recurrence of the disorder.

Does the advance of his Majesty's age, since his first attack in 1788, increase or diminish your expectation of his Majesty's ultimate recovery? Abstractedly considered, his Majesty's greater age would certainly be considered an unfavourable circumstance; but when I have regard to the peculiar circumstances of his Majesty's disorder, I think his advanced age does not alter my own expectation of his ultimate recovery.

Would the greater pressure of public business now than in the year 1788, have any and what effect, in your opinion, as to accelerating or retarding his Majesty's complete recovery? I really am not competent to give any distinct answer to that question.

Do you think more or less favourably of the probable issue of his Majesty's malady, from there being such an assignable cause for that malady as you have stated? I should think more favourably.

Sir HENRY HALFORD, Bart. called in and examined.

Has any amendment already taken place in the course of his Majesty's disorder, and does the appearance of such amendment continue at present? A very considerable amendment has taken place in his Majesty's disorder since its commencement. I do not think his Majesty has made much progress within the last fortnight.

When did you last see the King? This morning.

What was the state of the King, at that time? His Majesty had had a quiet night, and was composed in his conversation.

Do you think the King was better to-day than he was yesterday? I think he was quite as well to-day as he was yesterday.

Do you think there was any amendment to-day from yesterday? No; I think the King was much the same to-day as he was yesterday.

What symptoms were there to induce you to think the disorder was in the same state as it was yesterday, when the King had had a quiet night, and was composed? That was the case the greater part of yesterday, though there were occasionally moments of discomposure.

Was it the case, yesterday morning, that he was composed? No, not in the early part of the morning.

Have you seen any patients of the King's age, afflicted with the same malady? Not precisely under the same circumstances with the King's; the King's case must be in some respects peculiar.

In what does the peculiarity of the King's case consist? More in the circumstances of the management.

Is there any thing omitted in the management of the King's case, that would be applied to that of any other patient? I believe not.

Is there any thing added to the management in the King's case, which could not be added to that in the case of any other patient? I believe not.

Then in what does the difference of the management consist?—I

conceive the King is more capable of being excited by external causes, from not being in the habits of being contradicted or opposed through his life.

Are your hopes of recovery more faint in the case of the King, from the circumstances you have described, than they would be in the case of any other patient mentally circumstanced as the King is? Not of ultimate recovery.

Are your hopes of the speedy recovery of the King as strong as they were on the 28th of November, when you were examined before the Privy Council? I had not hopes of his speedy recovery at that time.

Have you hopes of his speedy recovery now? Not of speedy recovery.

Can you limit any time, within which it is probable the King may be recovered? I cannot.

Have you had any patient under your care, mentally deranged at or above the age of seventy? I have seen people deranged, above seventy years of age; but do not recollect that I have had a case under my own care.

Of those persons whom you have seen in such a state at that age, have all or any of them recovered? I cannot speak with confidence to that question; because, as they have not been people under my own care, I do not know the result.

Do you not know the result of any of those cases which you have seen? I cannot speak confidently to the recovery of people above seventy-two years of age.

Then you cannot take upon yourself to say, whether any patient at or above seventy years of age, whom you have known to have been mentally deranged, has or has not recovered? I cannot speak confidently to that point.

Do you know any one who has recovered? I do not speak of my own knowledge, but I have heard of recoveries.

What is the present state of the King's bodily health? Not perfectly good.

What are the symptoms of disorder in his bodily health? He has feverish symptoms.

Have those feverish symptoms continued, from the time that you were first called in to visit him, to the present time? His Majesty has occasionally appeared almost free from fever; but I think I can hardly say that he has at any time appeared entirely so.

Do you attribute his mental derangement to any bodily complaint? I should conceive, there were two causes of this complaint; the body must be predisposed by indisposition, to receive the influence of such a cause as produces the King's symptoms.

When you say that the body must be predisposed, do you mean to say that in all cases, derangement of mind is accompanied by indisposition of body? I am speaking of the King's case in particular.

Do you mean to say, that there must in all cases be an indisposition of body, when there is a mental derangement? I think it probable there must be so.

Have you ever had under your care, or ever seen, persons in a case of mental derangement, where it was impossible for the physician to

trace bodily indisposition? I think I have generally been able to trace bodily indisposition.

Do you think that the King's mental derangement depends upon the present state of his bodily indisposition? Not entirely.

When were you first called in to visit the King in his present illness? His Majesty asked me some questions, respecting the propriety of taking medicine, on the evening of the 25th of October.

Did you then perceive any symptoms of mental derangement in the King? The King's conversation and his manner were hurried.

Was that such as to amount, in your opinion, to a state of mental derangement and incapacity for business? I think not, at that time.

Had you opportunities of seeing the King, before the 25th of October? Yes; I saw his Majesty every day, three times, from the 3d of October.

Did you, in the interval between the 3d and the 25th of October, perceive any symptom of indisposition about the King? I sometimes thought his Majesty's manner agitated; but there always seemed an occasion of this, in the report which was made respecting the Princess Amelia.

Was that agitation of a nature to excite any particular apprehensions in your mind with regard to his Majesty's mental health? No, not at that time.

Not at any time between the 3d and the 25th of October?—No.

You have said, that on the 25th of October the King was not so much mentally indisposed as to incapacitate him from business, or amount to mental derangement, and you have said, the King is so indisposed now; when did the symptoms become so urgent as to mount to incapacity for business, and to establish a character of mental derangement? His Majesty's symptoms increased rapidly on the 28th of October.

In point of fact, did his Majesty transact any public business, to your knowledge, between the 25th and 28th of October? I do not know.

Up to the 28th, was his Majesty in a state to transact public business? I think so: I think the King could transact public business.

Are the Committee to understand that, up to the 28th of October, and on the 28th of October, his Majesty was in such a state as if he had been a private individual, he would have been entrusted with the transaction of any thing in the management of his own concerns? I think you would not have been justified in taking from any individual the power of transacting his own business, under the circumstances that his Majesty was, I think I might say, to the night of the 27th of October.

Has the treatment of his Majesty, in your opinion, in every respect, both as to the introduction of persons, and the system of management, as well as the system of medicine, being perfectly proper? I believe so.

You have been acquainted with the system of management, in the most minute particularity? Yes.

And have known of every person introduced to the King? Certainly.

And every thing in the system of management, the system of medicine, and the introduction of persons to the King? I believe so.

There has been no person introduced to the King whose introduction has excited any aggravated degree of indisposition? Certainly not.

What is the state of the King's mental health to-day, as compared with the state of his mental health on the 25th of October? He is by no means so well as he was on the 25th of October.

What is the state of the King's health to-day, as compared with the state of his health on the 28th of October? I think, not quite so well as it was on the 28th of October.

You have stated, that there is an amendment in the King's health. Yes.

If he is not so well as he was on the 25th, nor so well as he was on the 28th of October, with what period do you draw your comparison of the present day, when you say there is a state of amendment? The first week of November more particularly.

Has the King had, what may be called a relapse, since the examination of the Privy Council? The King has had what we speak of in medical terms as a praroxysm, since that time?

Has that paroxysm been of a violent nature? It has been one of a violent nature; but not of so long a duration as the previous ones have been.

Has the remission, since that paroxysm, been so complete as it had been subsequent to other paroxysms of the same nature? I think not quite so complete.

Has sleep the desired effect upon the King, generally and constantly; when he obtains sleep, does he appear to be more refreshed and to be more composed in consequence of it, than when he has passed nights without sleep? Certainly; always to be more composed after sleep.

Invariably? I think so.

Have any of the Royal Family seen the King since the 25th of October? Yes.

Since the 27th? Yes; I think the last time the Queen saw the King, was on the 29th of October; and her Majesty was the last of the Royal Family who has seen the King.

Have any other persons, except his medical attendants, and those introduced by his medical attendants, for the purpose of administering to his medical health or comforts, seen the King? Yes.

At what period? The Chancellor has seen the King twice, and I think Mr. Perceval has seen the King.

When did the Chancellor first see the King, subsequently to the 25th of October? I think it was on the 29th of October; but I am not quite certain that the Chancellor saw the King on that day.

When did the Chancellor see the King the second time? Last Wednesday.

Were you present at the first interview between the Chancellor and the King? Yes.

Was it by his Majesty's desire that the Chancellor was introduced to him the first time? Upon mentioning to his Majesty that the Chancellor had come to Windsor to inquire after him, the King expressed a desire to see him.

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Was that agitation of a nature to excite any particular apprehensions in your mind with regard to his Majesty's mental health? No, not at that time.

Not at any time between the 3d and the 25th of October?—No.

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At what period? The Chancellor has seen the King twice, and I think Mr. Perceval has seen the King.

When did the Chancellor first see the King, subsequently to the 25th of October? I think it was on the 29th of October; but I am not quite certain that the Chancellor saw the King on that day.

When did the Chancellor see the King the second time? Last Wednesday.

Were you present at the first interview between the Chancellor and the King? Yes.

Was it by his Majesty's desire that the Chancellor was introduced to him the first time? Upon mentioning to his Majesty that the Chancellor had come to Windsor to inquire after him, the King expressed a desire to see him.

Was the King informed, always, of the arrival of the Chancellor, or persons of that eminence, at Windsor, to inquire after his health? Not always.

Was it by the Chancellor's desire the King was then informed of his arrival at Windsor? No, I believe not.

Who informed the King? I think I did it myself, but I am not sure.

You, of your own motion, without being desired by any body, informed the King, the Chancellor was arrived at Windsor to inquire after his Majesty's health? Yes; my colleagues were acquainted with my intention of informing his Majesty, that the Chancellor had arrived at Windsor to inquire after his health.

Did all the physicians concur in the propriety of giving his Majesty that information? Yes.

You were directed by the physicians, to give that information? It was agreed upon amongst us, that that information should be given.

Did you consult the other physicians, before you introduced the Chancellor, in consequence of the King's request that he might be introduced, on hearing that he had arrived at Windsor? Yes.

Did they concur in the propriety of the interview between the King and the Chancellor? Yes.

After that consultation of physicians, did you, yourself, introduce the Chancellor to the first interview? Yes, I did; the other physicians being present.

Were all the physicians in the room at the time? I think they were; if they were not, the door was open, and they were in the next room.

Were you, yourself, in the room? Yes.

What effect had that interview upon his Majesty? The King expressed great satisfaction at seeing the Chancellor.

Had it a beneficial effect upon his Majesty's mental health? I do not think it made the least difference.

At the second interview, to which the Chancellor was admitted, did you communicate to the King that the Chancellor was arrived at Windsor? Yes.

Did you propose to the King to see the Chancellor the second time, or did the King desire it? I must state the circumstance: On the preceding morning (the Tuesday) I found the King involved in a great many errors and misconceptions; and I took the liberty of using the Chancellor's name, entirely as a medical expedient. It occurred to me that the mention of his name would extricate him from those errors; and it had that effect. In consequence of this I ventured to say, that it was probable that the Chancellor would be at Windsor within a day or two; feeling convinced, that the temporary restraint under which his Majesty would hold a conversation with the Chancellor, might be of use in the future conduct of himself. On that ground, I proposed that his Majesty should see the Chancellor when next he came.

To whom did you propose that he should see the Chancellor, when next he came? To the King himself.

Did you consult your colleagues, before you made that proposal to the King? No, I took this entirely on myself; finding the King under the circumstances I have stated above, it was the determination of the moment.

When did you communicate to your colleagues, that you had made this proposal to the King? Shortly after; on the same day.

Did they concur in the propriety of the interview taking place? No objection whatever was made.

When did you inform the Chancellor that you had made that proposal, or that the interview was to take place? The Chancellor arrived on the following day, and it was then communicated to him.

Who introduced the Chancellor to the second interview with the King? I did.

Who was present in the second interview with the King? Nobody but the Chancellor; I left the room when I had introduced the Chancellor to the King.

Do you know whether the restraint, you hoped would be produced on the King's mind by an interview with the Chancellor, was in point of fact produced? I have very good reason to believe so.

Have you found, by experience, that any beneficial effect has resulted from that interview? I really think it has.

Have you, in consequence of that beneficial effect having been produced, advised the renewal of the interview? No.

Compared with the state of the King's health on Tuesday, is his Majesty better to-day than he was on Tuesday? I think he is much the same.

How long did that beneficial effect continue? The King throughout the day alluded to the conversation with the Chancellor several times, and seemed to be a little less under the influence of those errors; he seemed to be rather more easily dispossessed of those delusions.

How soon was that benefit lost? I do not think it is altogether lost now.

When did Mr. Perceval see the King; on or since the 25th of October? I think it was on the 29th of October.

Was Mr. Perceval introduced to the King at his Majesty's desire? His Majesty expressed a great desire to see Mr. Perceval; having understood that he had come to Windsor to inquire after his health.

Did you communicate to the King that Mr. Perceval also was at Windsor? Yes, I think so.

Was that by the request of all the physicians? With the knowledge of all the physicians.

Did they know that Mr. Perceval was to be introduced to the King, before he was introduced? Yes; and concurred in the propriety of it.

Were you present at the interview between Mr. Perceval and the King? Yes.

How long did it last? I should think about six or seven minutes.

Was any beneficial effect, or otherwise, produced by that interview? No injurious effect, certainly; I do not know that I could state, that any beneficial effect was produced by it.

When was Mr. Perceval admitted to an interview, the second time? I do not recollect that any second interview took place.

How long did the first interview with the Chancellor last? About eight or nine minutes.

Was the King under self-restraint, at the first interview with the Chancellor? Yes, I think he was.

And yet no beneficial effect was produced from that interview? I do not remember that any particular good was derived from it.

From the second interview, at which you were not present, you think beneficial effect was produced? I do.

Do you know whether the King was under any greater degree of self-restraint at the second interview, than he was at the first? It is hardly fair to make a comparison between the circumstances of the King on the first interview and the second; it was at the distance of six or seven weeks; the symptoms were not the same.

You having been present, and the other Physicians either present or in a room immediately adjoining, with the door open, when the Chancellor had his first interview with the King, and when Mr. Perceval had his interview with the King; how came the Physicians to leave the room entirely, when the Chancellor had his second interview with the King? It seemed desirable that the Chancellor should form his judgment of the state of the King, uninfluenced by the presence of any other person.

Judgment, for what purpose? No particular purpose; in the first interview with the Chancellor, it seemed very desirable that the Chancellor should be able to state to Parliament what the state of the King was.

Did the Chancellor himself express a wish to see the King, for the purpose of being able to state to Parliament what the state of his Majesty was? I do not remember that the Chancellor expressed such a wish; I think it was rather the wish of the Physicians in the first instance.

In the second instance? In the second instance, I had taken upon myself to use the Chancellor's name, for the particular medical purpose I stated before; and, having made that intimation to the King, all the physicians were of opinion, that it was not proper to run the risk of the irritation which such a disappointment to the King's expectation might occasion.

What led to any idea, that a disappointment to the King was likely to occur, after you had made the proposal, communicated that proposal to the other physicians, and that proposal had met with the concurrent assent of the other physicians? We have always thought it proper to observe our promises to the King religiously.

What led to any idea, that that promise would be broken, in this instance? When the Chancellor arrived, and I intimated to the Chancellor, that I had given such an intimation to the King, and that the King had seemed satisfied with the expectation of seeing him, one of the physicians expressed an apprehension, that it might be injurious to the King to see the Chancellor.

Which of the physicians expressed that apprehension? Dr. Robert Willis.

Did he concur ultimately with the other physicians, or was he overruled? We found, on inquiry, that the King was in anxious expectation of the Chancellor; and it was thought better, under those circumstances, that the King should see the Chancellor.

Did Doctor Robert Willis then express an opinion, that if he had known before that the proposal was to be made, he should have objected to it? I heard the objection, for the first time, when we were with the Chancellor.

Was that the first time that it was communicated to Dr. Robert Willis? No; Dr. Robert Willis, I believe, knew the fact before.

Did Dr. Robert Willis know the fact on the Tuesday, at the same time as the other physicians? I believe he did.

Was it discussed, in the presence of Dr. Robert Willis, with the other physicians? Yes.

Did Dr. Robert Willis take any part in the discussion? He made no objection, certainly; it was not too late, at that time, to have prevented the interview, had any objection been made by any one of the physicians.

Has Dr. Robert Willis any particular charge of the King's person, more than the other physicians? I think not.

Have you observed, that the King is under more restraint before Dr. Robert Willis, than before the other physicians? I think not.

Are there any persons before whom the King is under more restraint than others of his medical attendants, or attendants upon his person? I think not.

Do you conceive the circumstance of the defect of his Majesty's sight, to have any influence of any kind upon the present state of his disorder? I think hitherto it has been an advantage, that his Majesty is without his sight, because we have been able to conduct him with less irritation.

Do you think it will continue to be an advantage, and will tend to promote his ultimate recovery? When his Majesty begins more decidedly to recover, I think it will be a disadvantage, by precluding certain sources of amusement.

Can you form any thing like a satisfactory conjecture, of the duration of his Majesty's illness? No, I cannot.

Do you think his Majesty's recovery as near now, as you thought it the day you were examined before the Privy Council? I do; I do not observe that his Majesty's faculties seem in any respect impaired, by the continuance of the disease; so far his Majesty's perception is clear and keen; his memory, which is the first faculty usually observed to be influenced and to be injured by this disease, and which is the first to feel the effect of age, is sound and strong; his judgment is in eclipse.

Have you not seen patients who have never been cured, whose memory has been retentive to the greatest possible degree, and even more retentive or more vivid than during the periods of mental health? I do not know that I can recollect an instance of that kind at this moment; I speak of it as usually the case.

Supposing the King to be in the same state in which he was between the 25th of October and the 27th at night, would you feel yourself justified in declaring that he was competent to the transaction of public business? I believe so.

You would deem that a perfect mental recovery? I think there is a difference between the commencement and the termination of an illness; you would require something more in the one, than in the other. I wish to express, what I have done, in a former part of my evidence, that I conceived the King competent to the transaction of public business, till the 27th at night.

If the King were, now, in the same state after his illness, in which he was for some days previous to the 27th of October, would you state that he ought to discharge the public functions? I should conceive the King was competent to transact public business.

Of every kind, without any exception? Yes, I think so.

What do you mean, when you speak of his Majesty's manner being

hurried? His conversation is more rapid, and his thoughts occur more quickly in succession one upon another, than in a state of perfect health; his conversation is connected, but too rapid.

Not wandering from one subject to another? No.

Do you think the apprehension on the mind of a patient, of the recurrence of mental malady, after repeated attacks, has any, and what effect in producing a renewal of such attacks? I should think it would make the patient more susceptible of the influence of such external causes as would produce the disease.

Was it on the same day that the Lord Chancellor and Mr. Perceval saw the King, which you have stated to be, according to your recollection, the 29th day of October? It was not the same day; I do not recollect the day precisely.

You have said, that you entertain very high expectations of the King's recovery; state the grounds on which those expectations are founded? I find no injury done to the King's faculties by his disease hitherto; and I do not observe any failure in his Majesty's constitution.

[Withdrew.

Dr. ROBERT DARLING WILLIS called in and examined.

Has any amendment already taken place in the course of his Majesty's disorder; and does the appearance of such amendment continue at present? A considerable amendment has taken place from the commencement of his Majesty's disorder; which still continues.

What difference is there, if any, between the state of his Majesty at present, and that in which he was when you were examined before the Privy Council? It is extremely difficult to measure degrees of a complaint of this sort; the character of it has, in some measure, changed; but I think his Majesty, upon the whole, full as well now as when I was examined before the Privy Council.

Did you ever attend his Majesty before, in complaints of this kind? In the year 1801.

Is the character of the present complaint the same as that in the year 1801? In the commencement it was exactly similar.

How in its progress? In its progress also.

Do you conceive that his Majesty's increased age, since that period, is at all likely to influence, one way or the other, his ultimate recovery? Judging from the symptoms of the case, I have no reason to think the age will have any influence.

Do you think the defects of his Majesty's sight will have any influence, one way or other, on his ultimate recovery? I think it may be the means of retarding his recovery, but not of preventing the ultimate recovery.

Do you think that his Majesty's increased age will have any influence upon the duration of the disorder? I do not consider that, in this instance, the age will have any influence upon the disorder.

Have you ever met with a case, in your practice, that you consider as parallel to that of his Majesty? If age is necessary to make up the parallel, perhaps not.

Have you ever known a person as old as his Majesty, and with the same defect of sight, recover from a derangement of mind? I have

never seen a person, at his Majesty's age, labouring under a similar complaint to his Majesty's, taking all the circumstances of the complaint together.

In the general run of cases which have come within your knowledge in the course of your practice, has increased age, in your opinion, had any influence upon the recovery of the patient, or otherwise? Not where the case was exactly similar to his Majesty's.

I understood you to say, you had never met with a case exactly similar to his Majesty's? Taking age, and other circumstances of his Majesty into consideration.

In the general run of cases which have come under your observation, do you conceive the age of the patient to have had any influence upon his complaint? It may be difficult to answer that question, without stating the particular species of his Majesty's complaint: his Majesty's complaint does not appear, to me, to be connected with age; it is a complaint, produced by an accidental circumstance, which would have produced that complaint at any time, in his Majesty, during the last twenty-two years. There is no mark of age in the symptoms; there are none of those symptoms which usually attend complaints of that description, arising from age: and it appears to me, therefore, that his Majesty is as likely to recover, notwithstanding his age, from this complaint as he would from any other accidental complaint he might labour under.

Have you known several instances of persons, who have laboured under derangement of mind, at particular and different periods of their lives, with intervals between the dates of derangement? Several.

Have you considered such persons as more or less likely to recover, in consequence of advanced age? The opinion must depend upon the symptoms of the case at the time.

Do you then consider increased years, as a circumstance not bearing in itself, or carrying in itself, any influence upon a complaint of this nature? Generally speaking, age would have a considerable influence; but no symptoms which in general arise from age in other persons, have made their appearance in his Majesty; I therefore conclude, that age will have no effect here.

Do you conclude, that age, in an unbroken constitution, has no influence upon the probability of recovery, or otherwise, from this disorder? Provided I saw no symptoms of the effect of age in the individual, I should say not.

Can you at all contemplate in your own mind any period in which you think his Majesty's recovery likely? No.

You attended the King in the year 1801, for the first time? Yes.

Did you sign the bulletins that were issued in that illness? No.

Did you see the bulletins that were issued in that illness? Yes, I did.

Did you concur in the propriety of those bulletins, as expressing the real state of the King's health to the public? Yes, I did.

Did you concur in the opinion, expressed to the public by the physicians, by the cessation of the bulletins, that the King was perfectly recovered? To the best of my recollection, the King was recovered, and fully capable of doing business: there were some little remains of hurry about his Majesty; nothing further, that I have any recollection of.

Do you mean to say, that those marks of hurry, about his Ma-

jesty, were apparent at the time the bulletins ceased; and the physicians thereby announced to the public, that his Majesty was perfectly recovered? The symptoms of hurry, certainly, occasionally remained.

Were the symptoms of hurry such as to create a necessity for any restraint upon his Majesty, after the bulletins ceased? Not till a relapse took place.

A relapse then did, in point of fact, take place, after the illness in the year 1801? A relapse took place, after the bulletins ceased.

What interval was there between the cessation of the bulletins and the relapse? I have no means of ascertaining, at this moment, when the bulletins ceased.

What length of time, do you conceive, took place between the cessation of the bulletins and the relapse? I have a perfect recollection of the relapse, but I have no recollection when the bulletins ceased.

Between the cessation of the bulletins and the relapse, did his Majesty transact public business with his servants? His Majesty's servants had access to him.

Had they access, after the usual manner, without the presence or permission of any medical attendant, or any person deputed by any medical attendant? Certainly.

Nobody was ever present, at the time the interviews took place between his Majesty and his servants? Not to my knowledge.

When and where did the relapse decidedly shew itself? At the Queen's house, on the 14th or 15th of March.

By whom was it first perceived? I really cannot call that to my recollection.

Had you been in the habit of visiting the King occasionally, from the time of the cessation of the bulletins, to the period of the relapse decidedly taking place? I had not ceased to see the King daily.

When did you, yourself, perceive the symptoms of a decided relapse in the King? I presume, either on that evening or the next morning.

How long did that relapse continue? But a very short time with any violence.

How long was it, before his Majesty was restored to the state in which the physicians had reported him to be perfectly recovered? It is impossible for me to charge my memory with the number of days; at the distance of time; to the best of my recollection, a few days only.

When did you discontinue your attendance on the King, altogether, in the year 1801? On the 3d of June.

Had the King's hurry, which you have described, entirely ceased before you ceased attending upon the King? I think, not entirely.

Do you conceive those hurries were vestiges of and dependent upon the mental complaint of the King? Certainly.

When you speak of the King's recovery for the purpose of transacting public business, do you understand it in the same way as you would the same words applied to an individual, that he was competent to the transaction of all his business, public and private, and to the complete management of his affairs? Most assuredly.

Since you ceased to attend the King in June, 1801, when were you next called to his Majesty? On the 6th of last month.

Did not you attend the King in the year 1804? No.

Since you have been called in to the King, do you recollect having objected to any proposal made for an interview between the King and the Lord Chancellor? Yes.

Had you known that it was intended to propose to the King, to see the Chancellor, should you have objected to his being told of it? I should, certainly, have objected.

Do you think that any beneficial effect was produced, to his Majesty's mental heath, by the interview between the King and the Chancellor? No.

Has any prejudical effect resulted from it? I am not aware that any prejudical effect arose.

On the night of the Chancellor's seeing the King, did you see any effect, good or bad, produced, that you attributed to the visit of the Chancellor? Not that I could attribute to the visit of the Chancellor.

What was the reason assigned by the physicians for wishing the King to see the Chancellor? Some of the physicians had formed an idea that the Chancellor would have some influence on the King's mind.

In point of fact, was the King worse that night than he had been the preceding night? The King had a remarkably good night.

When did you last see his Majesty? This morning about 8 o'clock.

What was his state at that time? Nearly in the same state that the King has been for the two or three last days.

Had he passed a good night? A tolerably good night; not equal to the preceding.

Do you esteem it an unfavourable circumstance, that sleep should not be attended with its natural effect of refreshment and composure, in a malady of the nature of that with which the King is affected? It only marks the stage of the complaint. It uniformly takes place, early, in complaints of this description, that sleep does not benefit the mind; it only recruits the constitution at large.

Does sleep, now, benefit the King's mind, more than it did in the earlier stages of this disorder? Most undoubtedly.

Does it benefit his mind, as much as it did in the corresponding stages of his disorder, heretofore? I am scarcely able to discover the exact parallel situation.

Have you now, or had you lately, under your care, any patients of the age of the King? Not affected exactly as his Majesty is.

Have you had any patients, mentally deranged, of or about that age? No, I think not.

Have you had patients mentally deranged, of about the same age, under your care? I have had persons under states of insanity of the King's age, not perhaps under mental derangement similar to the King's.

What is the distinction between mental derangement and insanity? The Committee must be aware of the extreme difficulty of giving a definition unpremeditated. I will describe the character of the different states: I consider the King's derangement more nearly allied to delirium than insanity; whenever the irritation in his Majesty arises

to a certain point, he uniformly becomes delirious. In delirium, the mind is actively employed upon past impressions, upon objects and and former scenes, which rapidly pass in succession before the mind, resembling, in that case, a person talking in his sleep. There is also a considerable disturbance in the general constitution: great restlessness, great want of sleep, and total unconsciousness of surrounding objects. In insanity, there may be little or no disturbance, apparently, in the general constitution; the mind is occupied upon some fixed assumed ideas, to the truth of which, it will pertinaciously adhere, in opposition to the plainest evidence of its falsity; and the individual is acting, always, upon that false impression: in insanity, also, the mind is awake to objects which are present. Taking insanity, therefore, and delirium, as two points, I would place derangement of mind somewhere between them. His Majesty's illness, uniformly, partakes more of the delirium than of the insanity.

Do you mean to say, that the King is at any time unconscious of surrounding objects? When I first saw his Majesty, on the sixth of November, he was perfectly unconscious of surrounding objects.

Was that his state on Tuesday last? No.

Was there derangement on Tuesday? There was derangement on Tuesday.

Then, on Tuesday, did his Majesty's disorder bear the characteristic of insanity, and on the 6th of November of delirium? It has never borne the character of insanity; it never gets beyond derangement, according to the scale I have just laid down.

Does this apply to the illness of 1801, as well as to the present? Strictly.

What is the present state of the King's bodily health, in your opinion? The King is far from being in a good state of health, at this time.

Are the symptoms of bodily indisposition sufficient to account for all the derangement of mind, which is perceived in his Majesty? Fully sufficient to account for the present symptoms of the state of his mind.

Is there a greater absence of sleep, now, than there was a fortnight ago? For six days, there was more regular sleep than there has been for some days past; when I say a fortnight, I am perhaps not quite accurate to the time.

Do you attach any, and what importance, to a patient having previously had repeated attacks of mental disorder? Provided I see no consequences arise from the repetition of the disorder, I should attach no importance to it.

In his Majesty's case, have you observed any consequences of the kind you allude to? I have observed none.

Did not the Chancellor know, before he was actually introduced to the King, that you concurred, upon the whole, in thinking it would be better he should see the King, than that he should not? Having

started the objections which I did, to the Chancellor's admission, I proposed going over to the King, to see in what state of expectation his Majesty was; knowing that he had been apprised of the Chancellor's visit to Windsor. I found him then in such a state of expectation, that it was a doubt whether as much irritation would not arise from keeping the Chancellor away, as from admitting him: and I therefore assisted, as a choice of evils, that the Chancellor should go in.

Having stated, that his Majesty's complaint is more nearly allied to delirium than insanity; will you have the goodness to state, whether, in your opinion, it is on that account more easily cured? On that account, I think it much more easily cured.

In your opinion, has the apprehension on the mind of a patient, of the recurrence of mental malady after repeated attacks, any, and what effect, in producing a renewal of such attacks? It must depend very much upon the nature of the mind of the individual; no general reasoning could be formed on that question.

Do you think it has on the mind of his Majesty? I have no reason to think that it has.

Are relapses more to be apprehended on the recurrence of the malady, than after the period of the first attack? I do not know that it is, necessarily, to be looked for; it has certainly taken place in this instance.

If a patient had been under your care more than once, would you not expect the return of that patient more than after the first attack? Certainly.

[Withdrew.

MONDAY, DEC. 17.

Dr. MATTHEW BAILLIE, again called in.

The following extract from the former evidence of *Dr. Baillie* was read:

"When were you first called in, to see the King?

"I believe it was the 25th of October."

Dr. Baillie.—I wish to state, that I find it was the 26th of October. I spoke to his Majesty on the 25th, but not formally, although it was about his health.

Q. On the 25th, when you attended the King, not in the capacity in which you subsequently attended him, did you observe any thing particular in his Majesty's manner? A. He was hurried in his manner. That is the observation that I have made in my memorandum; that his pulse was at 90, and his conversation was hurried; and a little desultory; that is, passing from one thing a little rapidly to another: that was at three o'clock.

On the 26th, the Committee is to understand, the King's malady was established? I saw him formally, as a physician, on the 26th; his conversation then was certainly very much hurried; but I see, in my memorandum, that it was not irrational, although hurried, and not very well connected. I should not have trusted to my memory for that, but I find that in my memorandum-book on that day.

Did you think, on the 26th, from what you observed in his Majesty, that he was capable of conducting business? I really cannot give a very accurate answer to that question; I should rather think that he was not capable, but I would not take upon me to say, that that is a perfectly accurate answer.

The following extract from the former evidence of *Dr. Baillie*, was read:

"Q. Have any of the Royal Family seen the King since his in-
"disposition?
"A. Not, as far as I know; I believe at the time he was begin-
"ning to be hurried at first, his family saw him; but since the
"disease established its character, I believe none of the Royal
"Family have seen him; I believe nobody since the 25th of
"October."

Dr. Baillie.—I wish to state, by way of correction, that the Queen and three of the Princesses saw the King on the 27th of October. The Queen, by herself, (that is, without the Princesses), saw the King for a little time on the 28th of October; and I understand likewise upon the 29th, for a short time.

Since you have been in attendance, in whose custody has the King been: and in whose custody do you apprehend his Majesty to be now? I should consider that the King was principally in the custody (if I may use the phrase) of Dr. Robert Willis. If I am asked whether he is exclusively in the custody of Dr. Robert Willis, I should say no; that he takes, in a great measure, the management of the persons that are more immediately about his Majesty's person; but sometimes directions have been given by the other physicians.

When were you first in the habit of seeing the King? I first saw the Princess Amelia, on the 26th of December last; and every time that I saw the Princess Amelia, as far as I recollect, I was with the King afterwards, so as to have a good deal of conversation with his Majesty.

From the period at which you began to be honoured with conversations with the King on that subject, did you at any time before you were consulted by his Majesty on the 25th of October, perceive any of that hurry and particularity of manner, which you have described yourself to have noted down on the 25th of October? It occurred, I believe, two or three times, but not in any very strong degree; enough for me to remark it; but I understand it was more remarked by those who knew him better, than it was by me, not being so perfectly well acquainted with his natural manner as those who have been in the habit of living with him a great deal.

At what periods were those remarks first made by you? I think only a few days before the 25th of October.

In the course of that month? Yes; his Majesty's manner is never a very quiet manner, but I do not recollect any thing that struck me, except two or three days, perhaps, before the 25th of October.

Did you communicate to any body the remarks you had so made previous to the 25th of October, upon the King's manner? I believe there was no particular communication; but Sir Henry Halford, and Mr. Dundas and myself, who had the audience of the King, might say, "I thought there was a little hurry to-day," or something to that purport.

When did you last see the King? I saw the King this morning.

What was the state of his Majesty's health? He was, upon the whole, a little better, I thought, this morning: his pulse was less frequent than it has been for the last two or three days; and I thought him much less hurried, and what he said was more connected, more like ordinary conversation. Upon the whole, I should say he was a little better this morning.

The following extract from the former evidence of *Dr. Baillie* was read:—

"Has any person, other than the Royal Family, or his pages or "attendants, seen the King, since you have been in attend- "ance upon his Majesty?"—"Yes, the Lord Chancellor saw "his Majesty the day before yesterday."

Dr. Baillie.—I wish to add, that the Lord Chancellor saw his Majesty also on the 1st of November; and that Mr. Perceval saw him on the 29th of October.

Do you recollect whether Mr. Perceval saw the King on any other day? I cannot call the circumstance distinctly to my recollection.

From any thing you have seen since you were last before this Committee, can you form any conjecture as to the period of the recovery of the King? I can form no conjecture whatever, in consequence of the distance of time between the two examinations. I think fully as favourable of the King to-day, as I did when I was examined before.

Can you form any distinct opinion of the period of the King's recovery now? No, I cannot.

[Withdrew.

HOUSE OF LORDS.

WEDNESDAY, DEC. 19.

Soon after the Lord Chancellor had taken the woolsack, *Earl Spencer* rose and said, that his object was to put a question to the noble lord opposite (Liverpool), or any other of his Majesty's servants then present, which he considered as very important. He was aware that he was premature in his request, as the Report of the Committee of their lordships, (of which he was a member) had not yet been presented, nor would be presented till the next day. But as their lordships were now met, he would wish to be informed what proceedings it was the intention of ministers to propose to that House for filling up the defect in the exercise of the kingly power, should that fact unfortunately be ascertained from the report, and declared by a resolution of their lordships. He wished to have some outline of the plan,

and to know when it was intended to bring it into discussion.

The Earl of Liverpool said, that the question as to future proceedings embraced two points; first, as to the particular mode of proceeding intended to be proposed. On this point he was perfectly ready to state his intention to follow closely the precedents of 1788 and 1789. He had considered the subject most attentively, and was convinced by every argument and illustration, that the precedent alluded to was strictly in the spirit of our constitution and history. He should, therefore, have to propose resolutions, in the form of those formerly proposed and passed; after which they would proceed to fill up the defect in the personal exercise of the royal functions. With respect to the point of time, he wished to create no unnecessary delay, but rather to expedite the proceedings as much as possible. The Report upon which they were to found their measures, could not be in their hands till the next day. It must be printed, and some time given for the perusal of it. The other House had, as their lordships must know, received and printed the Report of their Committee, and had appointed to-morrow for taking it into their consideration in a Committee on the State of the Nation. It would be desirable for their lordships to wait a day or two, in the prospect of receiving some communication from the Commons, with their decision on the resolutions proposed to them; which decision it was impossible for him, and would be improper at any rate for him, to anticipate. He wished their lordships to sit on Saturday next; and if on that day, or previously, they received such communication, he should move another day for submitting the resolutions for the adoption of their lordships. As the discussion might be long, should he name Monday next, their sitting would inconveniently run into Christmas-day. He had thought of Wednesday next; but, to consult the convenience of many noble lords, he had fixed on Thursday week as the day he should propose, which he hoped would be generally convenient, and cause no greater delay than circumstances seemed to require. He hoped these explanations of the course intended would give full satisfaction to the noble lord.

Earl Spencer rose again, and thanked the noble lord for the explanations he had given him on some points. However premature he might be in offering his own sentiments, yet he could not refrain from saying a few words then, lest

he might afterwards be told, that by his silence that night he had in any manner precluded himself from the advantage of delivering his opinions on points, whereon he most materially differed from the propositions intended. When this momentous subject was agitated in the year 1788, he was young in that House, and did not take any forward part in the discussion; but by his vote and protest he had then declared his disapprobation of the mode of proceeding, and the Bill that concluded the whole. Since that period every thing that he had seen, heard, or read of, whether by reading, observation, or conversation, that had any relation to this subject, had tended to strengthen the conviction of his mind. Sorry as he was to differ with many, he must intreat their lordships to bring their minds with seriousness and solemnity to a careful consideration of the measures proposed, which were of the highest importance to the state; which must always have been so; but which the present critical circumstances of the country rendered more so than ever. If a defect in the kingly office existed, which he feared would to-morrow be proved to have unfortunately existed for many weeks, he thought that no delay ought to be suffered to take place in supplying such deficiency, the existence of which was fraught with so many alarming evils. The House ought at once to adopt the best mode, and with the least possible delay. In the proposed mode, he saw only protraction and needless delays. The first resolution of 1788, he would suppose to pass without opposition, as it simply declared the fact of incapacity. To the second, however, he had various objections. But to the third, he could not possibly assent, with the opinions he entertained of his duties to the Crown and to the country. It was neither more nor less than an open breach, a violation and attack on the fundamental principles of our Constitution. It was the duty of both houses of parliament to support the monarchy; but it was more peculiarly and specifically the duty of their lordships, the hereditary counsellors of the Crown.

At present they were without a parliament, there being only the two estates of the realm in activity. The mode of proceeding by Address was in all respects infinitely preferable. He could never bring his mind to the establishment of something in the shape of Royal power, to give authority to a Bill; but which he found it quite impossible to describe in constitutional language. From what he had

heard from the noble lord, he must infer that it was intended to divide and share out the essential prerogatives and rights of the monarchy; an experiment which, thank God! was prevented from being tried on the former occasion by the fortunate restoration of his Majesty's health. He never could consent to such an experiment; and he intreated their lordships to consider this part of the subject fully, that they might see how hazardous, how perilous such an experiment must be! *(Hear!)* Let the whole Monarchy remain entire, to be restored, unimpaired, to the hands of his Majesty, whenever it should please God to restore him to such a state of health as would enable him to resume his august functions. He could not see why farther delay should be occasioned by waiting for a communication from the Commons. There was no necessity for this, as their lordships, as one of the estates of the realm, might and ought to proceed at once upon the subject themselves. After various other observations, his lordship stated, that having taken this opportunity of declaring his opinions, he should then move that their lordships be summoned for to-morrow. He was not sure that he should submit any motion, but probably some noble friend might. He concluded by apologizing for taking up the time of the House in a premature stage of the proceedings.

The question being put from the woolsack,

Lord Grenville rose, and after complimenting the noble earl (Spencer) on his able speech, with much of which he perfectly agreed, expressed his regret at the different view which he took of other points to which the noble earl had adverted. But to have remained silent, might have been construed into giving his assent to the opinions of his noble friend, from whom, though with great regret, he was compelled materially to differ on some important points. He must, however, censure that system of delay which had so long left the country in such an alarming state, and which had, as it were, studiously postponed the business to a season of the year which interposed additional procrastination. He should not be able to attend in his place to-morrow, and therefore he should now address their lordships for a short time. Such was the state of proceeding, that the Report was not yet on the table; and if they discussed it on Monday, they would be driven into the day, which was one of those few days which a Christian wished to devote to religious duties, rather than the parliamentary

duty of discussion, even a matter of such high political importance as the present. It did therefore appear to him, that they could not go into the consideration of the business before the day proposed by the noble earl opposite. He declared that he came to this discussion perfectly free from all bias or partiality, either for his own former opinions as such, or from the affection that he must have to the memory of the person who took the principal part in producing and proposing the resolutions of 1788. He had no inclination to any particular views of the subject from any desire of maintaining his own consistency merely. Had he seen cause to vary in his opinions, he trusted that he had enough of manliness of character to rise and avow that change, and to state to the House what were the causes that led him to such a variation. He thought no apology due from his noble friend to the House for the declaration of his opinions; on the contrary, he thought that every person should be desirous of having the subject fairly discussed, if difference of opinion still prevailed. It was now twenty-two years since parliament debated on similar measures. During the greater part of that time, he had been actively engaged in the duties of office; and for a lesser part he had not, he trusted, been in an useless and indolent retirement. He had now reviewed calmly and fully the circumstances of the transactions of 1788; and it was now his fixed opinion, after bringing to the subject all the lights that his reading or study could afford him, that that precedent was the best mode of procedure that could be adopted. The case called for the supply, the immediate supply, of a defect in the kingly office, arising from the personal indisposition of the Sovereign, which must be presumed to be temporary. In whatever way the lamented defect was to be supplied, it was clear that the Monarchy must remain the same. The country must still be governed by the King. Courts of justice, in some of which his presence was always supposed, must still be King's courts. Writs must run in his name. All the functions of the regal office must be executed in the name of the King; in the name of the King, and for the King, the Regent must act. The kingly power to be restored to the King whenever he returned to a state of health. He would ask for no other postulate. Could, in this view of the case, could an address properly supply the existing defect? Was not an act of parliament manifestly necessary, to declare and to notify the means

taken and the authority given to him, who was, in the name of the King, during his indisposition, to be for him at the head of the executive government? He declared he saw no other safe way of providing for the difficulties in which the melancholy indisposition of the Sovereign had placed the state, but by a Bill. Here he must beg to notice a lapse, for it could be nothing but a lapse, of his noble friend in speaking of the estates of the realm. It was a lapse, however, that he was concerned to see spreading so widely out of doors, and which he so frequently of late had cast his eyes upon; he meant the speaking of the two Houses of parliament as the two estates of the realm, and of the King as one of the three estates. This was evidently erroneous; but it was a growing error, and he therefore noticed it. The three estates of this realm were the nobility, the clergy, and the commons; that is to say, in parliamentary terms, the Lords, Spiritual and Temporal, and the House of Commons. The noble lord entered into various other arguments in support of the precedent of 1788, but not into the question of the restrictions or reservations of power to the Regent, which his lordship considered as questions that had stood on the ground of expediency, and must so be argued. Though he supported the mode of procedure according to the precedent, yet he was entirely of the mind of his noble friend respecting the right of that House to proceed; and although he agreed to the time proposed for the discussion, he did so from reasons of convenience, and not at all under the idea of waiting for the House of Commons. Having thus taken an early opportunity of fairly and openly stating his opinions, he should not enter into other points of the question. He censured the delays that had taken place; should reserve himself in some points, regretted that he differed with his noble friend; and concluded by repeating the conviction of his mind in favour of the mode of proceeding now resorted to.

Lord Lauderdale said, that in retaining in his own mind all the discussions that had taken place during the proceedings of 1788, the more he considered the measure which was then proposed, the more he thought it perfectly indefensible. He must also observe, that the former was a period of profound peace, but the present a crisis of extreme difficulty and danger, and therefore requiring the smallest possible delay in filling up the deficiency in the regal branch of the Constitution; so that even if the general principles on

which the measure of 1788 was founded, and which had been now shortly stated by his noble friend, were just, yet it by no means followed, that they were applicable to the circumstances of the present day. His noble friend had rested on the supposed distinction between the natural and political capacity of the Sovereign. But it was hardly necessary to remind the House, that, at no very remote period of our history, this very distinction had been used to the subversion of the Throne; when the two Houses of parliament, under the political name and character of the Monarch, had made war upon the person of the Sovereign, and ultimately brought him to the block. He thought that it was a most fortunate thing for the Constitution of the country, that the measure of 1788 never had been carried into execution; for if, as was proposed in that measure, the two Houses of parliament could of themselves make a law, then in his opinion the severest blow was struck at the Royal authority; and it went in its consequences to dispense with the regal branch of the Constitution altogether. Indeed, he was prepared to contend, that any act of parliament of this description was completely a dead letter, and could not be listened to in any of the Courts of Justice; for whenever the matter came to be argued before the House, he should produce a statute, which pronounced null and void all legislative acts which had only obtained the assent of the two Houses of parliament. He had no wish to enter more largely into the subject at present, but he thought it right to take that opportunity of entering his protest beforehand against acting upon the precedent of 1788.

Lord Liverpool, across the table, suggested the great inconvenience of summoning their lordships to-morrow, and hoped that the noble lord (Spencer) would withdraw his motion to that effect.

Lord Holland said, he understood from his noble friend that it was not his intention to press the motion. Since he had risen, however, he could not omit that opportunity of expressing his regret that the long delay of seven weeks had taken place, before any measures were adopted for filling up the void in the exercise of the royal authority. He would not enter at any length into the discussion which had incidentally taken place; but on the best consideration he was able to give the subject, he must say, that he felt a strong objection to the proceedings in 1788. The ground of his objection was simply this; that while it purported

to be a legislative proceeding, yet it was not so in reality, for there could be none without the assent of the Crown, which was most unquestionably an essential branch of the legislature. For his part, he objected to the whole of the plan which the noble lord had announced; and now wished to give notice, that he should move the previous question on the 2d resolution; which, if carried, he should follow up by proposing an address to his royal highness the Prince of Wales, to accept of the Regency under such regulations as might be approved of by both Houses of Parliament.

Lord Spencer then withdrew his motion.

Lord Liverpool moved, that their lordships be summoned for Thursday, the 27th instant.

Lord Grenville asked, whether the noble lord certainly meant to bring forward his resolutions then.

Lord Liverpool replied, it certainly was his present intention to do so; but whether any thing might happen in the interval to alter that intention, it was impossible for him to say.

Lord Holland declared it to be his intention to submit his motion for an address to the Prince, even though the noble lords should not bring forward his resolutions.

Lord Liverpool gave notice of his intention to move for the appointment of a Committee, to search for precedents how far proxies could be admitted to vote on the settlement of the Royal authority.

Lord Stanhope thought that to-morrow was the proper day for such a motion. He must deny that proxies could be admitted.

The notice was then appointed for to-morrow.

HOUSE OF COMMONS.

THURSDAY, DECEMBER 20.

On the motion of Mr. Bradshaw, a New Writ was moved for the Borough of Brackley, in place of ——— Henderson, Esq. deceased.

The Chancellor of the Exchequer moved the order of the day for calling over the House.

Mr. Tierney suggested the propriety of not enforcing it, as it was perceivable, from the numerous attendance, that the object for passing the order was obtained.

Mr. Perceval observed in answer, that as the intention of enforcing the call had produced so good an impression, he thought the best mode of preserving it in future, was to enforce it on the present occasion.

Strangers were then ordered to withdraw, and were not re-admitted during the call, which lasted two hours. Upon our re-admission, we found Mr. Perceval on his legs, moving that the House should be again called over on Monday se'nnight, and that the defaulters should on that day be committed to the custody of the Serjeant at Arms.

STATE OF THE NATION, AND SUSPENSION OF THE EXECUTIVE FUNCTIONS.

The order of the day, for the House resolving itself into a Committee of the whole, on the State on the Nation, being read—the Speaker left the Chair.

The Chancellor of the Exchequer rose, and spoke to the following effect:—Mr. Lushington, the House, in compliance with the order now read, having resolved itself into a Committee of the whole, it becomes my duty to call its attention to the disastrous state in which this nation is plunged, in consequence of the indisposition of our Sovereign—an indisposition which is as sincerely lamented as it is unfortunate, and which has excited universal feelings of regret and sorrow. Feeling, as I do, such to be the impression, both of this House and of the Country, it is wholly unnecessary on my part to take any course for the purpose of awakening such sensations, or to excite your attention upon the importance of the melancholy subject, for the discussion of which we are this night assembled.—When we contemplate the extent of that calamity which, in the person of our Sovereign, has befallen the country—when we view it under all the aggravated circumstances, which, afflicting such a personage, it must present itself to our consideration, there exists little necessity for an appeal to the common sympathies of our nature. Had one of the humblest of our fellow beings been visited with such a calamity, though wholly unconnected with any one of us, either by relation, friendship, duty, or dependance, in the view which would at once present itself to our minds, we would feel it as a duty imperative upon us all, to consign him, under such circumstances, to the protection and guar-

dianship of his most affectionate relatives. If such would be our duty, even to the humblest, how would our obligations be increased towards those dearly connected with us; and if with them, with what efficacy does that duty increase, when applied in the present instance—in the instance of our Sovereign and King—of him, who, for more than half a century, has been a blessing to his people! *(Hear! hear! hear!)*—who, during his benign reign, has watched with a parental tenderness and regard over the rights and happiness of his subjects—and whose private as well as public virtues have been the universal theme of our praises, and the objects of our admiration. *(Hear! Hear!)* Indeed, when I contemplate his reign, so marked and illustrated, I feel a confidence that, neither in this House, or in this country, exists that individual who does not sympathize in the distress of his Sovereign. But whilst these motives, both private and public in their nature, impel us to feel the great calamity with which we are visited; there are also other reasons, wholly of a public nature, which render it the duty of this House to take the due and constitutional course of guarding the country from any greater aggravation of the calamity. We are now aware that the functions of the executive magistrate are by his indisposition suspended, and we must know that by such suspension, the interests of the country are materially impaired. The question for our consideration is, therefore, the propriety of taking the means of supplying the deficiency. And here I have personally to lament, that it has fallen to my lot, from the situation which I have the honour to hold, to take a lead in this discussion. My inadequacy to the performance of such a duty I should most truly feel, were I not enabled to draw to my aid, all the assistance which is to be derived from those lights which have gone before me; from the exertions of those talents, whose misfortune it was, as it is now more, to be obliged to struggle with a similar calamity. We are now, in my conception, precisely in the same situation in which the House was at the close of the year 1788. The proceedings therefore adopted in that case, if the cases shall appear to be similar, point out the propriety of adhering at present to the true constitutional mode of acting, then decided on by the wisdom of Parliament; taking advantage, as we have now the opportunity, of all the experience and of those lights which that precedent so fully affords. It is indeed a consolation to think, that though de-

prived of the authority and talents which the great men who then directed the views of the estates of the realm so fully possessed, that we are at this day more capable of fully perceiving, unfettered by the difficulties of that period, what our paramount duties are. The precedent of the year 1788 has, upon that point, left us in full possession of the proper course. There is also this great advantage attaching to us on the present occasion, that since this melancholy question came first under consideration, there has not either in argument or conversation been thrown out by any individual—indeed, there has not been an expression uttered, tending to glance at the right, and at the duty which we are now called upon to discharge. We know how much of embarrassment and of difficulty was created by a contrary conduct on a former occasion. We are aware of the momentous considerations which the assertion of a certain claim produced at that period—a claim which was most wisely disclaimed by that personage, on whose part it was advanced by the individual who introduced it. —There are now other grounds for hope. As far as the discussions have gone on this subject, they have been free from all that acerbity and rancour, which, springing from party heat, characterised, disturbed, and in a certain degree disgraced the proceedings of that day. We have now the advantage of not being impeded by any such interruption, and therefore whatever decision this House shall arrive at, must be received by the country with the greatest satisfaction, from the manner, the temperance and the deliberation which have marked, and shall, I trust, continue to mark the debates upon this important subject. Whatever difference of opinion may exist as to the postponements that have already taken place, we are all now, I conceive, unanimous that no further delay should occur. The question therefore which now arises, must be upon that course to which, in specific propositions, I felt it my duty to direct the attention of the House on a former night. I then offered to your notice three distinct propositions.

1. That it is the opinion of this House, "That his Majesty is prevented by indisposition from coming to his Parliament, and from attending to public business, and that the personal exercise of the Royal Authority is thereby for the present interrupted."

2. That it is the opinion of this House, "That it is the right and duty of the Lords Spiritual and Temporal

and Commons of Great Britain now assembled, and lawfully, fully and freely representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the Royal authority, arising from his Majesty's said indisposition, in such a manner as the exigency of the case may appear to require."

3. Resolved, "That for this purpose and for maintaining entire the constitutional authority of the King, it is necessary that the Lords Spiritual and Temporal, and Commons of Great Britain, should determine on the means whereby the Royal assent may be given in Parliament to such bill, as may be passed by the two Houses of Parliament respecting the exercise of the powers and authorities of the Crown, in the name, and on the behalf of the King, during the continuance of his Majesty's present indisposition."

Before I enter upon this latter point—a question upon which, it is presumed, the principal part of this debate will hinge—I shall feel it both just and expedient that I should state generally what my views are of the measure which, in the shape of a Bill, it is my intention to recommend to this House. With respect to the first resolution, no difference of opinion can possibly occur; lest any should, it is only necessary to recur to the evidence produced before the Privy Council, and before the select Committee of this House. Every man must see, in these examinations, sufficient proof of the melancholy fact of the King's incompetency. But though as to that fact the evidence is clear, it at the same time affords confident and sanguine hopes of ultimate recovery; and that there exist reasonable hopes, though no limits are defined, of expecting that recovery at no long distance of time. With respect to the second resolution, for this House proceeding to supply the deficiency in the personal exercise of the Royal authority, it has been intimated to me that there is some difference of opinion respecting the wording of that proposition; but from what I have learned, I can have no reason to believe that there exists any disposition to controvert the main principle which that proposition contains. It seems so supported in every part by the precedent of 1788, it is so sanctioned by every deduction which the history of the constitution and the country warrants, and is in fact impeached by nothing, that I shall leave to the objector to state his

arguments, wholly abstaining, myself, from any previous discussion of it. I assume it as a principle undenied and undeniable, and therefore shall not anticipate any arguments in objection. I now come to the third and last proposition, which for the purpose of maintaining entire the authority of the King, proposes that this House should determine on the means of giving the Royal assent to a measure for supplying the deficiency in the executive authority. The great and leading principle of this resolution is, that the course of proceeding should be by Bill; that course I feel it my duty to recommend to this House. On the other hand it is submitted, and most candidly I confess, that instead of proceeding by Bill, which the gentlemen opposite condemn as unconstitutional, it should be by Address. In this view I apprehend the House will feel that the great object on which this night's debate turns, is narrowed to the question, whether the course of our proceeding shall be by Bill as I propose, or by Address, as the gentlemen at the other side recommend. Before I proceed to weigh the grounds of preference upon these two courses, I feel the propriety, as I previously stated, to lay before the House a general view of what I intend further to propose in execution of this measure. It is in my view that his royal highness the Prince of Wales should be appointed to exercise the office of Regent, in the name and on the behalf of his Majesty, during the continuance of the King's indisposition. That, generally, all the powers of the government should be committed to his hands. That to her majesty the Queen should be entrusted the care and guardianship of the King's person. I think it also necessary that due provisions should be made to notify the King's recovery, and chalk out the course of proceeding by which his Majesty may be enabled to re-assume his functions. These three provisions should have no limit in point of time, except what should arise from the duration of the King's indisposition. But with respect to all the powers of Majesty, I do feel that, taking all the circumstances connected with the King's indisposition into consideration, a limit should be placed on the prerogatives of the Crown, when in the hands of the Regent. It was evident, from the evidence produced before the House, and the state of his Majesty's health in his former disorders, that we are to look at no distant period for his recovery, although no specific time was mentioned by his physicians. The House will also perceive that they

have proceeded to ascertain the course and progress of his Majesty's present disorder by a reference to his former complaint. And as to that complaint, we have the authority of the late Dr. Willis, in 1788, that the shortest period in which in such disorders recovery could be expected was six weeks, that the average period was for five or six months, and that from twelve months to twelve and a half was the extreme point at which, if the most encouraging symptoms of recovery did not present themselves, the prospect became almost hopeless. Under these circumstances it became the House, looking at the probability of his Majesty's recovery at no distant period, to take ample security for his complete restoration to the functions of his Royal authority. That the dignity of the executive office could not be impaired by any due limitation arising from such considerations, I most sincerely feel; and therefore I should think that a restriction upon the exercise of these powers in the hands of the Regent for twelve months, would be most advisable, taking care that the limitation should expire during the sitting of Parliament, and at least six weeks after it was convened. It would then be open for Parliament to re-consider the subject, or, if they did not think the duty necessary, the termination of the restriction would have the advantage of having occurred under the eye and superintendance of the legislature. Upon these grounds, I think that there should be a suspension for the same period of the power of granting any rank or dignity in the peerage, with certain exceptions. Also, that all pensions and offices granted should continue only during the continuance of the Regent in office, unless subsequently approved and confirmed by his Majesty. And lastly, that to her majesty the Queen, with the care of his Royal Person, should be committed the appointment to the several offices connected with his Majesty's household, subject to the reconsideration of Parliament. These are the restrictions which strike me as necessary for the due protection of his Majesty's authority, and compose the provisions which, in the shape of a Bill, it is my intention on a future occasion to recommend to the adoption of the House. I beg leave now to recall your attention to the distinct question before you—a question which you must now view (whatever may be your opinion as to the propriety of restriction at all, or to the extent the restrictions should be carried), only as referring to the proper course of proceeding at this moment, whether by Bill or Address,

And here, sir, it must be obvious that the argument, which, whether well or ill founded, is most likely first to present itself to our minds in deliberating upon the respective merits of the proceeding by Bill, or the proceeding by Address, is, that we have been before placed in circumstances exactly similar, and that the two Houses of Parliament did adopt that course of proceeding, which I have now the honour of proposing, in preference to that other, which would now be recommended by the honourable gentlemen opposite. This argument, I will not hesitate to say, must be met, in order to be combated successfully, by other objections than the mere general ones against the inapplicability of the precedent, or against its authority. With respect to the inapplicability, I apprehend that will not be the ground, on which they who oppose the proceeding will choose to take their stand. If they do, they will find it more difficult than they are aware of, to discover two cases, as far as both bear upon the one question now before us, so completely alike; indeed, so much so, that I for my part cannot see how far it may be strictly right to argue it merely by analogy; it is not so much a case upon which we can bring the weight of antecedent authority to bear, in order to influence our decision, as a case upon which we have already decided; it cannot so well be said to be a case analogous to a former one, as the recurrence of that case already determined. The calamity by which the nation is now afflicted, has been attended with precisely the same effects, and under the same circumstances, as those which ensued, and existed at the time when the public was visited by the same calamity, in 1788. The question therefore comes before us, as that of a case already adjudged, a case of the highest and most immediate interest, entertained with that grave and earnest devotion of mind which its importance demanded; a case which, after the most mature deliberation, the most active and minute discussions, and a long and solemn hearing, received a decision as solemn, and must now be looked upon as coming before us with all the stamp and sanction, that the authority of all the estates of the realm could confer upon it. This, sir, is the light in which the present question presents itself to me. I cannot look upon it as one merely analogous to a case somewhat similar, which occurred before; still less am I disposed to look upon it as unconnected with, or to be influenced by the solemn decision,

which has been so solemnly passed upon it. I look to that decision as a declaration of the wisdom of the states, prescribing what that wisdom then thought fit to be done, and holding forth, in my mind, no slight authority to guide our counsels, and regulate our proceedings in the recurrence of the same calamitous visitation.

Were we, sir, disposed to re-judge that great question, we should, as we proceeded, find abundant reason to rest contented with the statesman-like prudence and constitutional wisdom which operated in producing the memorable decision that was made upon it. It will, however, be our first duty, whatever may be our ultimate determination, cautiously to adhere to that principle with which the two Houses set out in 1788, and from which they never for a moment suffered themselves to stray. They kept all along within their distinct view the integrity and existence of the kingly office. We cannot be too cautious in abstaining from every consideration that may lead to any deviation from so constitutional an example. We have upon due investigation found, and shall have to enter upon our journals a record that we have so found, that the functions of the Royal authority are interrupted, and not that the Royal authority itself is integrally impaired, much less removed: far from it. Throughout this and every subsequent debate upon this question, it will be our duty to remember, that *the Throne is not vacant.* *(Hear! hear!)* The functions of the kingly office have been interrupted, they have been impeded in their exercise; but the possession of the Throne and the right of possession remained untouched and inviolate. I affirm that the Throne is *filled full.* *(Hear, hear, hear!)* We were not now *to make a King*, but to take good care that, in providing a remedy against the interruption of the regal functions, we preserve to an *existing* King his reversion to all the rights, privileges, and functions of the regal power, in the same unquestioned, unimpaired possession in which the Monarch enjoyed them immediately before the calamity that so unhappily suspended his exercise of them. Whatever, therefore, may be the ingenuity of some hon. gentlemen, in their attempt to draw an over-strained analogy from the conduct of both Houses at the time of the Revolution, to regulate our conduct now—however they may labour to convince us that that precedent would authorize an assumption on the part of the estates at present wholly unnecessary, and which that pre-

cedent does not go at all in the present circumstances to warrant, still am I prepared to contend that the arguments by analogy from such a precedent are inadmissible, inasmuch as the Throne was in the one case vacant, and so declared to be, but in the other the full and complete possession of the Throne is upon all hands acknowledged in the first instance inseparably connected with this conviction, and immediately arising out of it, is the sense of one of the most important branches of the duty which has now devolved upon us. I mean the sacred and imperious duty of providing for the King's ample restoration to his rights as the Sovereign, the moment his recovery shall enable him to resume the discharge of the royal functions. This was another great leading principle in influencing the measures agreed to in 1788. Thus in proceeding to consider the best means of providing for the defect in the discharge of the executive, they all along considered the Throne as full, and one of the first objects of their provisions was, to secure to the King the safe, immediate, and inviolable resumption of the kingly powers, upon his recovery. With respect, therefore, to these two important points, we find ourselves furnished with the distinct and explicit opinion and injunction of the two Houses of Parliament. But it seems that we are again to hear and contend with a preliminary objection, which would certainly be a formidable one, if it could do what it pretends to do, and shew the advice to be injudicious, because impracticable. The objection is to the appointing a commission by the authority of both Houses, to affix the great seal to the act for modelling the Regency. This, it seems, is considered by some as an unconstitutional assumption of power on the part of the two Houses. Upon what ground could it be so understood? that of entrenching on the Royal prerogative—of using the name, where there was not the substance. This argument, like other plausible arguments too hastily adopted, went much farther than they who relied upon it seemed to be aware of. It was well known that in that Parliament, which (as it was alleged) had assumed unconstitutional powers, the ordinary business proceeded—Bills were brought in in the same session, and, after the usual discussion, were either thrown out, or forwarded. What opened the Parliament in which those Bills were discussed? The Lords Commissioners appointed under the great seal. By whom was the great seal affixed? By the person who had received the command of the two

Houses, &c. to affix it. If, then, the meeting of Parliament was illegal, its subsequent proceedings during a meeting so illegally convened, must have been also illegal. If the summons was illegal, the proceedings were unconstitutional. Do we find that they were objected to, or resisted on this ground? or do we not rather find the reverse of this? Do we not know that after that Parliament has been opened by the Commissioners appointed under that great seal; that while the Regency Bill was yet pending, the private Bills then introduced were, in the course of the same session, after the recovery of the King, completed and concluded? But when the King was happily restored to the wishes and the government of his people, what, may I ask, was the line of conduct pursued by the executive on the full resumption of its functions? His Majesty by his commission came down to meet his Parliament. In the speech with which he then opened his Parliament, I would ask, is there to be found any thing that has a tendency to question the validity of the exercise of that power, which affixed the great seal to the Bill appointing the Commissioners? Did his Majesty revoke the powers which had been so exercised? Did he annul the authority which had been so conferred? Did he say to his Parliament, "My prerogative has been infringed upon, my authority has been abused, my great seal has been usurped, and I protest against such unconstitutional assumption of the functions which belong to me alone!" Was this the language of the Monarch?—No! but directly the contrary—so far from disapproving of or annulling the exercise of the Royal function, which the state exigencies had rendered necessary, he continued the session, and in doing it referred distinctly to that instrument, by virtue of which that very Parliament had been holden during the continuance of his malady. In order to be as accurate as possible upon so important and conclusive a part of this question, I will beg leave, sir, to read to the Committee one or two extracts from the speech of the Lords Commissioners to the Parliament, upon the King's recovery, which speech is to be found in the 44th volume of our journals, 159th page. The speech begins as follows:—

"His Majesty, not thinking fit to be present here this day, in his Royal person, has been pleased to cause a commission to be issued under his great seal, authorising and commanding the commissioners, who are appointed by his former letters patent to hold this Parliament, to open and

declare certain further causes for holding the same; which commission you will now hear read."

Here then this Committee will not fail to observe, that in the passage I have just read, the Royal sanction is given in confirmation of the use which had been made of it by the two Houses, in a case of unexampled exigency.—The King authorises the *same* Commissioners who had been appointed under the great seal during his illness, and who had, under that authority, held that Parliament; these *same* Commissioners he appoints, by the *same* instrument, to continue to hold on the *same* Parliament. But, if still more unequivocal proofs were wanting to attest the cordial confirmation given by the King, on his recovery, to the use that had been made of his prerogative, I would confidently appeal to that Committee if the following passage did not furnish them.—It is from the same speech, and is as follows:—

"His Majesty being, by the blessing of Providence, happily recovered from the severe indisposition with which he has been afflicted; and being enabled to attend to the public affairs of his kingdom, has commanded us to convey to you his warmest acknowledgments for the additional proofs which you have given of your affectionate attachment to his person, and of your zealous concern for the honour and interests of his Crown, and the security and good government of his dominions."

"We have it particularly in charge from his Majesty to assure you, that you cannot so effectually meet the most earnest wish of his Majesty's heart, as by persevering in your uniform exertions for the public welfare, and by improving every occasion to promote the prosperity of his faithful people; from whom his Majesty has received such repeated and affecting marks of invariable zeal, loyalty and attachment, and whose happiness he must ever consider as inseparable from his own."

From the passages which I have just read, the House can have no difficulty in drawing, at least, this conclusion, that the proceedings of the two Houses, in that exigency, received all the sanction his Majesty's cordial approbation of those proceedings could give them. But the honourable gentlemen opposite will be prepared to meet even this obvious fact with an objection; they may say, that the King continued, after his recovery, to be advised by the same men who during his illness had suggested and supported those measures. (*Here there was a general cry of*

! hear! from the Opposition benches.) I am glad to ive, by that general cheer, coming from the quarter it that I have haply touched the key which makes all chords vibrate in unison. *(Hear! hear! from the terial side.)* I am rejoiced to learn what, had it not for this accidental impulse, I must have failed in dis- ing—Why this course of proceeding was so obnoxious e gentlemen opposite. I am to conclude then, that it so much in the measure itself the objection lies, as in uarter from which it comes; and that gentlemen are mined to shew that they inherit at least the prejudices ose to whom they have succeeded. Neither are those dices to be wholly overlooked in an impartial view of uestion. They ought to be admitted as evidence st their own cause; for it will not be disputed, I e, by even the honourable gentlemen opposite, that ver could possibly be urged against the mode of pro- g proposed, and finally adopted by both Houses, at eriod, was urged; and that they who then sat where onourable gentlemen now do, wanted neither ability, ness, zeal, nor disposition to make the most of what- arguments could be urged against the measures pro- by those who were then in the service of his Majesty. will not be denied. And yet how do the journals n us respecting such objections? In answer to the h from which I read the extracts, the House returned dress of humble and grateful acknowledgments to his sty. It, as usual, echoed the King's speech, and it the House *nemine contradicente*. *(Hear, hear!)* re then were all those sage objectors, who condemned e proceedings as illegal and unconstitutional! But perhaps, I may be told, that upon an occasion of national joy, those gentlemen were induced to an ab- ce from the gratification of dissent and opposition. , admitting and giving them due credit for all this t and well-timed discretion, and supposing them lling to disturb the unanimity of a congratulatory ss, still this sort of justification was confined to that occasion, or at least could not be well extended to days subsequent to it. Are we then to be told, that it delicacy, after all, that kept them silent to the end of legal session? If that were the case, the gentlemen ut a bad compliment to those patriotic characters who carry their delicacy so far beyond their duty, as to

sacrifice the constitution for the sake of a compliment. But if it had been so sacrificed, how came it to pass that, through all the prorogations of succeeding Parliaments, and successive and opposite administrations, not one motion has ever since been made upon the subject—not an attempt made to cast the shadow of a doubt, or a censure, upon the legality of those proceedings, though originally emanating from the authority acting under the great seal, affixed by order of the estates of the realm?

I come now, sir, to consider whether, supposing the proceeding by Bill to be (if not the constitutional course of proceeding) a constitutional course, other courses as constitutional and otherwise less objectionable, may not have a stronger claim upon our preference? Is there not another mode of proceeding better than the one proposed? There is the argument of authority and precedent, that there is not a better, because the presumption is fair and strong, that the estates would have discovered that better part; but not so, that it did actually escape the research of their collective wisdom. Besides, sir, I would ask, if in all cases of momentous difficulty, the first proceeding has not been to endeavour to find some analogy or precedent, to guide us, the most important to find some permanent, certain, and fixed doctrine, or principle applicable to the question before us, and when we have found what is settled, our next duty is to adhere to it. In all questions of general policy, what is left undecisive, is left unfinished; but can any uncertainty be more big with danger than any uncertainty attached to the succession to the Royal power? and if this be true, it is equally so, that nothing can have a more fatal tendency to create that want of permanence and certainty, than any attempt to go counter to what has been already formally laid down, and after the maturest consideration solemnly determined. This is a principle, and one not to be affected by the fancies of those gentlemen who amuse themselves with thinking, that if the thing were to be done again, it might be better done. If this be their opinion, others cannot be denied theirs, and then it will be more a contest of opinions founded in theory than arguments deduced from practice and precedent. I have in favour of the mode of proceeding by Bill, the positive determination of the estates; the confirmation of the executive, and the tacit consent of the Parliament for the last twenty years. I think then that I may be justified in requiring of those who

set up their individual opinions against such a combined weight of authority, to shew us a better mode of proceeding than that which, from the sanction it has received, I am warranted in concluding to be the best until I am convinced that there is still a better. But until I am so convinced, I shall continue to believe that no other mode can be devised which is not subject to all the objections made against the proceeding by Bill, without any of its advantages. But I have heard it urged, as an objection against the two Houses assuming to authorize the affixing of the great seal to a Bill, that this would be contrary to the 13th of Charles II. which statute subjected all those who maintained that the two Houses of Parliament could legislate for themselves, to a *præmunire*; and this, sir, is one of the arguments by which the advocates for an Address would support that mode of proceeding, in preference to that by Bill—but I should be glad to know if the two Houses will not legislate for themselves as much by one mode of proceeding as by the other? *(No! no! from the Opposition.)* What, sir, will not the effect of the Address be to legislate? What will be its object? It will address the Prince—to do what? To be King? No. Far from the mind of that illustrious personage, or any of his advisers, is, I am sure, any such intention or wish. But to be Regent—what is it?—What is meant by the word? Where is it to be found? By what authorities are its powers laid down and explained? Is such an office recognized by the constitution? But admitting that it were, is it not legislating to say to the Prince, "Do you now step into the power possessed by another, who is still living?" *(Hear! hear!)* Am I to be told that giving to one the power that belonged to another, is not legislating? *(Hear! hear!)* If it be not legislating, I would ask, how is a Parliament to be called? You address the Prince to take upon him the Regency! how else can he call a Parliament than by affixing the great seal? And is it not as effectually legislating to command an individual to do that which is to make us a Parliament, as to proceed by Bill to accomplish the same object?

Again, is it not desirable that in a measure of such importance we should have all the advantages of discussion and debate, which the progress of a Bill through this House seldom fails more or less to occasion? Or are we to deny to a question of the last importance, the advantages which any ordinary private Bill would find in its way

through the House? These advantages, the mode by Address must necessarily defeat.

But am I to understand that the whole powers of the kingly office ought to be transferred, without limitation, to the Prince? *(Hear! hear!)* And yet is it not the unanimous opinion of the House, was it not a proposition which met with universal assent, that it was our bounden duty to provide for the event of the re-assumption of the full powers of the kingly office, on the restoration of his Majesty's health? And is this the way we would discharge our duty to the King and to the Prince—is this the way we would discharge the double duty that has devolved upon us? *(Hear!)* I cannot be understood, in what I have said, or may say, to mean the slightest disrespect towards the illustrious Personage, to whose virtues there is no man more willing than I am to give every credit; but I would caution those who dwell so much upon the amiable character of the Prince, to beware of the dangerous precedent, this sort of reasoning would establish: the higher they raise his character, the more cautious they should be in making any claims upon the score of that character, as such a principle of reasoning would go to give office and impose duties merely on the merits of the officer (for the Regent would still be but an officer): the consequence of this might be, that in other times, should a similar calamity occur, there might be an invidious and dangerous mode of argument set up, which, in order to justify the refusal of the power, would endeavour to establish the incompetency of the Regent. I am confident that the House will not be hurried by feelings no doubt amiable, in opposition to the sober dictates of their judgment, to do that which, however beneficial for the present times, might, at more distant periods, be productive of the most serious injuries to the constitution.

The right honourable gentleman then observed, that on a former day the precedent of the Parliament of Ireland in 1788, was in favour of the course of proceeding which they thought most eligible. He thought there was a wide difference between the precedent of the Parliament of Ireland and that of the Parliament of Great Britain. He had shewn how the mode of proceeding adopted by the Parliament of Great Britain had been sanctioned afterwards by the approbation of his Majesty, and the silent acquiescence of those who had with the most ardour opposed that line of conduct

which it had thought proper to adopt. But with the regard to the Parliament of Ireland, it would be remembered that the Lord Lieutenant, the Marquis of Buckingham, had refused to carry over to Great Britain the address of the two Houses. Had there been any impeachment of the Marquis for this refusal? Had there been any proceeding instituted against him for his conduct (*Hear, hear!*) They might perhaps say, that a vote of censure had been passed against him by the two Houses (*Hear, hear!*) But here it ought to be recollected the vote of approval was an act of the Legislature, while the censure by the Irish Parliament was only that of the two Houses (*Hear, hear!*) The gentlemen on the other side seemed to think that the proceeding of the two Houses there, was of equal authority with that of the three branches here. He thought, however, that there was ample reason to prefer the precedent of the legislature of Great Britain. He conceived then that he had redeemed the pledge he had given, to shew that there was nothing unconstitutional in the course of proceeding which he recommended—nothing insulting to the Prince of Wales. Even if the Prince, as Regent, were at once to be invested with the complete power of the Crown, he should prefer the mode of proceeding by Bill. The question of right had not been insisted upon; but if it had been urged, the plan of Address would have been as objectionable as that by Bill. He hoped, therefore, the House would agree with him in the mode which he thought best calculated, considering the times and the circumstances, to supply the regal authority. He concluded by moving the first resolution, which was agreed to *nem. con.*

The second resolution being then read,

Sir Francis Burdett rose, and, after some preliminary observations, expressed his strong dissent to the second resolution, which speaking of the present Parliament, called it "the Lords Spiritual and Temporal, and *Commons* of the United Kingdom of Great-Britain and Ireland, *lawfully*, *fully*, and *freely*, representing *all* the estates of the *people* of this realm." To this assertion, it was perfectly impossible for him ever to give his assent. He denied, and was always ready to appeal to facts, in support and in proof of his denial of such an assumption. If they were not so, the people of this country ought to be taken at least into some consideration, on this important subject. The right hon. gentleman had alluded to fine-spun schemes, which

he supposed to be in the imagination of others which he considered contrary to his principles. He (Sir F. B.) had nothing to do with fine-spun schemes: it was not even the principles contained in the second resolution that he would condemn; but he would strenuously deny that it stated a fact, when it asserted that House to be a body of Representatives, "legally, fully, and freely"—*(Disapprobation.)* This he would deny, and particularly to Parliaments of later date, and to this Parliament especially, whose conduct had put Parliament itself in this predicament, that it had lost its former credit with the nation—this Parliament, which had done so many acts which had brought it into disrepute, that he could never consent that it should pass a resolution containing what was so contradictory to truth, to the notorious facts that had been offered to be proved at the bar, of the manner in which seats were obtained in that House, of the corruption that prevailed, of 150 peers returning members to that House to an amount—*(Here the cry of disapprobation was renewed very strongly for some time.)* The hon. Baronet having resumed, said, that he felt it his duty to protest against such proceedings; and, notwithstanding all that was said by the right hon. gentleman, he was convinced that there was no cause in which the analogy to the present was so complete as that of the Revolution. The right hon. gentleman had merely asserted that there was no analogy; but he had proved nothing. What was the case at the Revolution? It was a case of incapacity of the Sovereign, not a case of that personally afflicting nature which was unfortunately the malady of his present Majesty, and which every feeling man must deplore. No! it was an incapacity arising from a religious bigotry. That was the species of insanity which led naturally to disorder, and which the Constitution of this country could not endure. It was, therefore, an incapacity to exercise the regal functions. It was contended at that time by some, that the throne was not vacant. That was answered by others, "Prove to us by some act of the kingly office that the throne is full." It mattered not to the interests of the nation whether bigotry, or wickedness, or the severe hand of affliction which pressed on the present King, rendered the Sovereign incapable of performing the duties of the kingly office. In either case, our great business, on knowing the fact, was not an examination into the cause, but the adoption of the remedy. But how had the

right asserted devolved on that House? How could this be shewn by the forms or spirit of the Constitution? (*Hear!*) How would gentlemen prove that the Constitution was not destroyed, when that vital organ of a free people, the Commons House, was notoriously corrupt, and when that high power from which all rank proceeded, and without which no legal government could be carried on, was incapacitated? The plan of the right honourable gentleman went to the subversion of the Constitution. This was a revolution, only with this difference from that of 1688—the people of this country were then counted for something. Then the city of London, the respectable gentry throughout the country, reckoning all members who had sat in parliament from the last parliament of Charles the Second, were called together in a Convention Parliament to settle the greatest interests of the state, and remedy the defect in the kingly branch of the Constitution. Now, indeed, the proceedings were far different. Now, a House of Commons, without any appeal to the people, their constituents, usurped power for themselves. A House of Commons-men, two of whom had been turned out of their seats for not voting as ministers desired; of which other members (ministers) had been accused, in connection with a noble lord, of trafficking for seats; a House that had allowed Lord Melville to tell them, that he would give them no account of his application of the public money; a House that had endeavoured to cover with oblivion the disastrous and disgraceful expedition to Walcheren! (*Hear! hear!*) He had read of various appellations given to former Parliaments—of the *Long* Parliament, of the *Rump* Parliament, of the *Unlearned* Parliament! (*Parliamentum indoctum*): but if a name should be found to express the peculiar character and merits of this Parliament, it would probably be designated by the appellation of the *Walcheren* Parliament!!! (*Hear! hear!*) Thirty years ago, Sir George Saville had said, that the House of Commons was as much the representatives of any other place as they were of the people of Great Britain. And what had been done since, to wipe off that reproach? The plan which the right honourable gentleman would persuade the House to agree to, was to make him Governor of the country, and to let him put the Crown into his pocket? (*Hear!*) That precedent of 1788 was formed, and was now pursued by that same faction which had so many years prevailed

in the country, with so much disadvantage to its best rights and interests, and without any other view that he could discover, except that of retaining their own places and emoluments. Where, if the House freely and fully represented the people, would they feel the difficulty of appealing to the sense of the people? Of such an idea some would say, "This is Jacobinism!" But his Jacobins were Lord Coke and Mr. Justice Blackstone. Speaking of the Law of Parliament, Lord Coke said, in allusion to former transactions, that we heard of the *Lex et Consuetudo Parliamenti*; but, by what he called a novel device, the Houses could confer with each other, when Parliament could not confer with its constituents. Did gentlemen seriously think that Parliament ought not to take the people a little into consideration? Judge Blackstone said, that the Constitution had three distinct branches or powers. He had explained its excellencies by shewing the independence of these branches. "How dangerous," said the Learned Judge, "it would be, were Peers to interfere in the elections of the Commons, and exercise the right of taxing the people!" The people were to be protected by the power of the Crown against an oligarchy, or a faction of nobles, and they were themselves to be represented by the Commons. Judge Blackstone compared the Constitution to a machine moved by three weights; the body not taking the direction of either, but taking the right direction or the *plenum* of the force. Mr. Paine, writing about monarchy, had asked, Whether it was a metaphor, a trick, or a cheat? What would the right hon. gentleman say in answer to such questions? Would he tell them, it was useful and necessary? Would he say, what are its services? What answer would he make? He shewed by *his* conduct at least, that it could be done without. Whether he (the Chancellor of the Exchequer) proceeded to replace the whole monarchy in all its powers, or limited it, in whatever hands he placed it, for the hon. Baronet would not say there was any right in any individual, since there was no *law* on the subject that gave such a right, and the Prince, therefore, might have no more right than any other; yet he would affirm, that they, the House of Commons, had far less pretensions and claims to the executive government of the country, than the Heir Apparent to the Throne (*Hear!*) He did not maintain the right; but taking the expediency of the case, could any thing be more easy than

to supply the vacancy in the same manner in which it would be supplied by law in the event of the King's death? Was it not more expedient and more analogous to the Constitution, to place the power there, where by legal course it would in due time go? Was not that better than to go on with a weak and divided Government? Could any thing be more likely to cramp and paralyse all the energies of the country than an executive in such a state? If it be true that the kingly office has too much power, controul it. If the King had more than was necessary to animate exertions and to reward merit, and to repress crimes by punishments, it was as necessary to take it from a King as from a Regent. We ought at all times to have an entire executive; especially now. As to what he heard of the character of the King, whose unfortunate malady he deplored, when he heard it always coupled with panegyrics of the worst and most unfortunate of Ministers on their own conduct, notwithstanding all his wishes to controul and check his feelings, considering the circumstances of the case, he must say that it was a little more than he could endure to hear the praises of such grievous exactions and heavy calamities as the country had never before been made to suffer. He would take that opportunity of saying a few words respecting the examination of his Majesty's Physicians; and here, he must observe, that it appeared to him that the King had not been perfectly well since the year 1788. (*Hear!*) It appeared that the public had been deceived upon this subject. (*Disapprobation.*) Ministers had dared to carry on the government in such circumstances, while the executive was in a weak state, which now appeared. It was a lamentable, a contemptible thing to employ time in such examinations of the physicians as to when the King would return to what they called a state of competence to the exercise of his royal functions. Ministers proposed, in the present state of defect in that vital organ of the constitution, without which the legislation of the country could not be carried on, to bring in and pass a Bill, an Act of Parliament, in the face of another Act of Parliament, of the 29th of Charles II. expressly denying the legality of such a proceeding by the two Houses without the Kingly power. They proposed farther, to make out a commission, purporting to give the assent of the King to this their Bill. The whole bore, and must bear to the people, the appearance of fraud and a sham! He would affirm, that they, or the

Chancellor of the Exchequer, were about to *make* a king. That Minister was making a King to put into his own pocket! If he could persuade the House to remain so long without a King, and then make one for his own purpose, how could he avoid the conclusion drawn by some persons unfriendly to the Constitution of this land? The House had appointed a Committee to consider and report of the number of sinecures. Upon the right hon. gentleman's plan, he might as well refer the highest office in the state to that Committee. But far different opinions did he (Sir Francis) entertain of the use and dignity of the office of the King! He thought that the King ought to be a great and an efficient Magistrate. (*Hear!*) It would be little less than treason to the country to continue as we had done for some time, or refrain from the declaration of his opinion on this most important occasion. What did it signify to the country, then, by what names and distinctions physicians called delirium and insanity, and so forth? Was it, he would ask, fit or safe that such a state of government should go on, vacillating from time to time—Ministers sometimes concealing the facts from the public, and at other times unable to conceal them? (*Hear! hear!*) If receipt were wanted for making confusion in the country, he never heard of, nor could he imagine any thing better for that purpose, than the scheme of the Minister! One of the physicians, it appeared, had thought his Majesty fit for transacting public business between the 25th and 27th of October, and another physician thought he was not. Should the safety and the happiness of this country rest upon such lamentable uncertainty? He must say, that he thought that the provision to be made ought to be a permanent provision. (*Hear!*) Who could say what consequences might happen? Suppose, for instance, the invasion of Ireland by a French army. Might not that seriously affect his Majesty's health? He had heard that some physician had ascribed the greatest dangers to the King's health, from the mentioning to his Majesty certain subjects. (*Hear!*) But without dwelling longer on topics on which it was to him most painful to touch, he must repeat, that he considered it to be a species of treason to the country to have the government of it in such a state. He objected to all the resolutions, except the first. That was unfortunately too clearly true. To the second he had stated an insurmountable objection, because it contained a

false assumption respecting the character and composition of that House. To the third he objected entirely, because he considered it was contrary to the principles of the Constitution. What views had the right hon. gentleman entertained for these six weeks past, but that of delay? Was not that in his view still, in the measures he adopted? What was there in what he did then propose which he might not have done before? The hon. Baronet declared his solemn protest against the whole of the proceedings, as miserable shams and pretences, as aiming a mortal stab at the Constitution of the country—and making an oligarchical House of Commons varnished over with forms, to govern the country. He should therefore sincerely vote against the Resolutions.

The second Resolution was then read and passed, with the dissent of Sir Francis Burdett, but without a division.

The Chancellor of the Exchequer then rose, and moved the third Resolution, which was accordingly read by the Chairman, and on his putting the question,

Mr. Ponsonby observed, that in all that had fallen from the right hon. gentleman as to the calamity which had brought this subject under discussion, in all that he had said as to the affection of his subjects for him upon whom the calamity pressed most heavily, he entirely concurred. That it must be the wish of all that his Majesty should recover, in the plenitude and vigour of his faculties, he also agreed. But in almost every thing else he decidedly differed from the right hon. gentleman. He had said, that the proceedings of the House on this calamitous occasion had been marked by a moderation and gravity very different from the manner in which the business had been conducted in 1788. For his part, he did not thank the right hon. gentleman for the compliment paid to himself and others in that declaration; the design of the right hon. gentleman being to revive those animosities if he could (*Hear! hear!*). When the right hon. gentleman was disposed to compliment the living, he ought to suffer the failings of the mighty dead, if failings there had been in that instance, to sleep; and such ought to have been his conduct, when he spoke of Mr. Pitt, and Mr. Fox. The right honourable gentleman had said, that he understood that an acquiescence in the principles of the third resolution, had been evinced in 1789; and he now called upon those who had acquiesced in what had then been done, to concur with him in the proceedings which he had sub-

mitted to the consideration of the House. He stood there, however, not as the inheritor of any man's principles, but as the asserter of his own. There was no inconsistency in his conduct: he had considered the proceeding in 1788-9 as unconstitutional, and he still thought the same mode of proceeding unconstitutional and improper: and he would now state his reasons for that opinion. The right honourable gentleman regarded the circumstances at the time of the Revolution, as different from the present, and consequently as requiring a different line of conduct. He thought, however, that there was much parity between the cases. What constituted the defect, which they were now called upon to supply? the absence of the kingly power. They had here, indeed, no abdication; but there was an incapacity. The person was absent there—here the mind, and in this consisted the defect which they had to supply. The proposition of the right honourable gentleman was, that the House had the power to provide the remedy, and that the proper mode was by Bill—a mode implying the consent of the three estates of King, Lords, and Commons. The Commons were then to proceed to supply the deficiency of the Royal authority by a mode requiring the Royal assent, while the very ground on which they proceeded at all was, that there was no King to give that assent! Incapacity was to be made capable, and derangement rational! Were they rational? Could they be regarded as in their sound senses, when they sat in serious deliberation upon such a proposition? Let no Protestant smile at the absurdity of the Roman Catholic who believes in the doctrine of transubstantiation in opposition to the evidence of his senses, when he sees a grave legislature asserting that the assent of the King was necessary to an act, the foundation of which was, that there was no King by whom that assent could be given. Be that the right hon. gentleman's mode of proceeding, but he hoped he had not eloquence enough to persuade the House to embrace so palpable an absurdity. But then the right hon. gentleman said, that his Majesty had approved of what had been done by his servants in 1788—the same servants, at the time of that subsequent approbation, still remaining in office. *(Hear! Hear!)* Did the right honourable gentleman think this an argument to induce the House to overturn the plainest dictates of common sense, and to engage in a proceeding involving the most palpable contradiction? The right hon. gentleman had stated, that

his Majesty had given his assent to Bills which had been brought into the House in 1788, during his indisposition. In this, however, his Majesty did no more than what had been done at the Revolution, when the King made good the proceedings of the Conventional Parliament. The incapacity of the Sovereign being ascertained, the first thing they had to do was to replace the Royal authority on the footing on which it ought to stand. But the right honourable gentleman wished to proceed immediately to legislate, there being only two estates capable of exercising their legal powers for that purpose. He (Mr. Perceval) maintained that the two Houses had the command of the great seal, but he had not mentioned where he had read or found this doctrine. Neither Lords nor Commons had the command of the great seal. It was the King's seal, and his alone. Who directed the Lord Chancellor to affix that seal? His Majesty, and he only. By the proceeding recommended by the right honourable gentleman, the House would usurp the powers and functions of Royalty (*Hear! hear!*). The right honourable gentleman said, that the proposition which he submitted, was conformable to the principles and practice of the Constitution. Now let us see how this proceeding was warranted by principles and precedents. Since the Constitution had assumed a regular form, there had only been two cases analogous to our present situation, the Restoration and the Revolution. In the one case a King was restored, and in the other a King was made; but in neither of these instances was the proceeding recommended by the right hon. gentleman adopted. The precedent of 1788 was the only one upon which he could rely. At the Restoration, King Charles the Second sent a letter, together with a declaration from Breda, which were read in the House of Commons on the 25th of April. The King himself did not land till the 25th of May.

On that occasion the House of Commons applied to the House of Lords, to concur with them in calling the great seal into action, knowing that without the seal they could do nothing; but, though they made this application, it was a remarkable circumstance that the Lords would take no step in it, and, in fact, the great seal never was called into a state of activity, till it was so called into action by King Charles himself on his restoration; so confident were the Houses of Parliament in those days, that the seal could not be called into motion but by the kingly power. He was

aware it might be said, the seal, in this case, was not the seal of Charles, but of the Republic. This might be so, but notwithstanding that was the seal which the House itself had formerly thought gave them a competent authority to proceed in the ordinary business of the nation; in point of fact, however, they did not think that this seal could be put in a state of activity but by the King. The right honourable gentleman (Mr. Perceval) had also endeavoured to draw a distinction between the present case and that which occurred at the Revolution, by arguing that, at the Revolution, a King was to be made, not a defect supplied. The honourable gentleman who spoke last (Sir F. Burdett) was not correct in his quotation from history on this subject: for though, at the Convention then assembled, there were deputations of various kinds, and among others from the corporation of the city of London, yet this was not the body by whom the tender of the Crown was made to William. They only addressed him, recommending to him, himself to issue writs for calling a Parliament. He accordingly did so, and it was that Parliament which made the tender of the Crown to the Prince and Princess of Orange. The right honourable gentleman must admit, that the period of the Revolution afforded an instance more momentous to the true interests and the vitality of the country, than had ever been known to present itself on any former occasion. We had then to contend for our religion and for our civil liberties against an arbitrary government, determined in one way or another to overturn them. The people, therefore, had then every thing to protect and assert—their religion, their liberties, and the constitution of their country. If to effect this, a knowledge of legislative proceedings was necessary, he believed they could not at that period have been at any loss for the best opinions on such a subject. There were then alive some of the most intelligent men on subjects connected with constitutional and legislative information—men who had acquired their knowledge from having lived in the time of the troubles which arose about that period, when constitutional and legislative proceedings were so much the subject of discussion and of inquiry. The Parliament at that time determined to put the Crown on the head of the Prince of Orange; but, while they did so, they were also determined to maintain their own privileges. Before the Crown was tendered to him, therefore, they read over to him and to his

wife the declaration of their rights, which they were resolved to preserve, and on the implied assent to those rights, then come to between the two parties, they declared William and Mary King and Queen. That this, then, was the opinion of the best-informed men of that time, as to the regular and constitutional course of proceeding, could not be doubted, but seemed to follow as a matter of course. They did not think it necessary to proceed by means of fiction, or rather a fraud; they did not wish that the great seal should seem to communicate to any act of theirs the assent of another branch which was incapable of signifying any such assent. They thought that a declaration expressive of the terms on which the throne was tendered to the Princess of Orange and her husband, was sufficient to establish the throne to them, and also to secure their own liberties to the people of this country. The right honourable gentleman said, the act done at the Revolution was the making of a king, which this was not. The act done at the Revolution, then, was a paramount act to that now proposed; yet the right honourable gentleman, while he saw that this superior act had been done by address from the two Houses, chose to think, that in conveying to the Prince of Wales the power of administering the affairs of the country, for his father, he can only proceed by an act of the legislature. The more he (Mr. Ponsonby) had considered the proceedings in the year 1789, the more he was astonished they could have been adopted by the two Houses of Parliament at that time. How should the Royal assent be known to have been obtained to such an act? It was required by act of parliament, that the Royal assent should be signified either by the King himself, in person, and in full parliament, or by letters patent to commissioners, under the sign manual of the King himself. The act was so short that he should read it. It was an act passed in the 33d year of the reign of Henry VIII. declaring that all acts which should receive the Royal assent by letters under the great seal, and signed with the King's own hand, should be as good and effectual as if the King had been personally present, in full parliament, at the time of passing them. The law therefore declares, that there are only two modes in which the Crown can act with regard to a legislative measure, so as to give it validity. First, by being himself personally present in full parliament, and there signifying his assent to it; or, secondly, by a commission under the

great seal, signed with his Majesty's own hand. Now, the question is, is his Majesty capable of performing either of these acts of assent? It must be admitted that he is unfortunately incapable of performing either of them. Was the House, then, to be called on to proceed by Bill, which it was impossible could ever be rendered legal by receiving his Majesty's assent? Why were they put upon this operose and artificial mode of proceeding, when they had a different, and an unexceptionable mode pointed out to them, by observing that it had been acted on by our ancestors in the best of times? At the period when the act of the 33d Henry 8th was passed, some other statutes had also been enacted for preventing the crime of treason. In the very next year, namely, the first of Mary, these treason acts were repealed; but, in the same year, another act was passed making it treason to counterfeit the sign manual of his Majesty, because of this very act, declaring that commissions for giving the Royal assent to all bills which passed the two Houses of Parliament, should be valid to that effect, if signed under the hand of his Majesty, with his sign manual. So the law was, and so it continued to this day. Nothing could be more clear than what were the two things, some one of which was necessary to make any act of this kind, passed by the two Houses of Parliament, sufficient; and nothing too could be plainer than this, that neither of these requisites could be procured at this time. About the time of passing the act of Henry VIII, also towards the end of that reign, an act of attainder had passed against the Duke of Norfolk, which in the beginning of the reign of Mary was reversed, and the reason was this, namely that the Royal assent had never been given to that act of attainder. This case was referred to in one of Mr. Hatsell's precedents, where the ground is stated to be, that the King was then in such extremity of sickness that he could not possibly be personally present in Parliament, while the act received his Royal concurrence; that no commission for granting the King's assent had been signed by his Highness's own hand; that the law of the land was, and had been, that such assent ought to be signified in his Majesty's own personal presence, in full parliament, or by letters patent, signed with his hand, and that by the common law such an act was void and of no effect, and must be deemed and taken to be no act of parliament. Now, if there could be found any authorities on any subject more complete than those he

had quoted, to shew that there were but two modes to do an act essential to legislation in this case, and that his Majesty could not at present do either of these acts, he was at a loss to figure any such. It was obvious, if this proposition of the right honourable gentleman were agreed to by the House, it could not be considered in the character of an act of Parliament. It would be a mere fiction, or what was worse, a fraud—an imposition on the country; and went to import that his Majesty had given to it the Royal assent, at a time when it was impossible that he could have given any such assent. It was a monstrous doctrine to maintain, that the House ought to be called on to supply a deficiency, the filling up of which was so essential to the interests of the country, and of the King himself, by this fraud, when there were other modes not subject to any such objection in which the measure might be accomplished, those, too, having been acted on in the very best periods of our history. The right hon. gentleman (Perceval) desired to know whether, if the two Houses were to vote addresses to the Prince of Wales, these addresses would not confer on him the power of discharging the functions of the executive government just as he proposed that power should be conferred by the proposition he had submitted to the House; and whether the Address so to be voted by them would not be an act of the House? He answered certainly; it would give the same powers; it would be an act of that House; and he meant it should have both those effects. He went along with the right honourable gentleman in saying that the two Houses of Parliament had the right, and the only right—and, in his opinion, it was also their duty to supply the deficiency in the executive. All that he contended was, that there was a consistent mode of doing this, and that the mode he had now pointed out was this consistent mode. The right honourable gentleman (Perceval), however, said, that by following his way, the House would be enabled to tell his Royal Highness what were the limitations they wished to impose on him, whereas in his (Mr. Ponsonby's) mode of proceeding, they would have no such opportunity. This he denied utterly. It was just as possible to adjust the limitations afterwards, when the Parliament was complete, by the revival of the Royal functions, as it could be by the defective and unconstitutional act, recommended by the right honourable gentleman. For instance, did they wish to secure the custody of his Majesty's person,

during his indisposition, to be in the Queen, in which he concurred with the right honourable gentleman, as he believed most people would do; was it to be conceived, or did the right honourable gentleman imagine, that his Royal Highness would deny his concurrence to such an arrangement, even after by the Address of the House he had been invested with the office of Regent? When the House should come to provide for the event of his Majesty's recovery, and the means of enabling him immediately to resume his Royal authority, both of which events he heartily hoped to see speedily arrive, did the right honourable gentleman think that his Royal Highness, the son of his Majesty, would deny his concurrence to such arrangements? As much right, surely, must lord Somers and the other persons who carried up the Bill of Rights to King William, have had to suspect that he would not agree to it, as the House to suspect that the Prince of Wales would, after the House had addressed him to assume the management of affairs during the indisposition of his father, refuse to agree to such limitations as the House should judge reasonable. When the House should have appointed his Royal Highness Regent, they surely meant that he should have the power of assembling or dissolving them. Did the right honourable gentleman, however, suspect that he would exercise that power without due discretion? Did the right honourable gentleman suspect, when the House should send up Bills which were necessary to be passed, that his Royal Highness would deny them his assent? If he did not suspect any of these things, what fear was there, though the limitations should go along with the appointment to the office of Regent? Another act that he (Mr. Ponsonby) should propose, besides the Address to the Prince of Wales, would be, that some proceeding should immediately be taken to give validity to what the House had done while it was not complete. Did the right hon. gentleman suppose that the Prince of Wales, or any other person who should be appointed Regent, would refuse to comply with the reasonable wishes of the two Houses of Parliament? He (Mr. Ponsonby) could not believe that the right honourable gentleman could entertain such an idea of a person whom he himself proposed to appoint Regent of these Kingdoms. He could not conceive so monstrous a proposition. The deficiency in the executive power must be supplied in some manner, and in the present

calamity, there was no other source from whence the right to discharge the affairs of the state could be derived, but the two Houses of Parliament. The question now was, in what manner this deficiency was to be supplied. The right hon. gentleman proposed to follow the course pursued in the year 1789—a course contrary to the Constitution, and a fraud on the country. If, in proposing this mode of proceeding, the right honourable gentleman thought, that because one House of Commons having acted so wild a part, and one so contrary to the Constitution, he was bound to follow it, he must confess that the present was the first occasion on which he recollected to have been told, that because a sensible man, twenty years ago, did a wrong act, therefore that wrong act should now be followed by another of the same kind. What the right honourable gentleman proposed, amounted exactly to this. He did not defend the measure. He said he would not argue it. He himself regarded it as a perfect measure, and asked of the House to determine on its merits, without telling them in what those merits consisted. He has appealed to it as an authority on which he now called on the House to act; but he (Mr. Ponsonby) had found that authority against reason was always an absurdity, and was generally a mischief. The plan proposed by the right honourable gentleman was a fiction, if not a fraud; instead of partaking of the simplicity of the measure recommended by him (Mr. Ponsonby), which had been formerly acted on in the best times of the country, and was at least preferable in one respect to the measure of the right honourable gentleman, that there was no falsehood in it. He begged of the House to reflect what was the measure they were called on by the right hon. gentleman to adopt. Could any man assert—would any man venture to insinuate, that the King was at this moment in a situation to assent to any legislative act? No, they would not. Then what was this very measure, recommended by the right honourable gentleman, but a proceeding which went to assert that his Majesty was able to do what the right hon. gentleman who proposed it, admitted he was not able to do? To say the House ought to adopt such a proceeding, because it had been acted on twenty years ago, was utterly unworthy of attention. The right honourable gentleman had said, that what should be the limitations was not here the question, as they would come to be discussed in the Bill. For his own part, to any

restrictions on his Royal Highness at this time of day, he should highly object. He was come to that time of life seldom attained by kings when they mounted their thrones. If at the age of 48 years he was not fit to be trusted with power, he should be afraid he never would be fit; and if it was necessary for the House to look to every part of his conduct with so suspicious an eye, he should doubt much how far it would not be an act of prudence to make such inquiries as should enable them to take measures for entirely excluding a person so unworthy of trust from the Throne. At what time too, was it proposed that these restrictions and limitations should be imposed—was it during a time of peace? Was it during a period of easy management of public affairs? Did we not live under a weak Administration? And did not weakness in many instances lead on to destruction? The right hon. gentleman talked of the long and happy reign of his Majesty, who had constantly proved the father and protector of his people, so far as his Majesty was personally concerned. But were we now in that state of security and even of greatness and grandeur which we fortunately enjoyed at the time his Majesty came to the throne? And did we contemplate in those gentlemen on the opposite benches persons capable of extricating us out of our difficulties? Or had we not rather to dread from their imbecility and weakness that we shall be plunged still more deeply in calamity? He dared to say the right hon. gentleman considered himself to be one of the blessings of the present reign, (*Laugh*, and *Hear*! *hear*!) and hoped that the measure which he now recommended to the adoption of the House, would be one of the means of continuing this great blessing for some time longer to the country. For his own part, he (Mr. Ponsonby) could not agree with the right honourable gentleman in his ideas on this subject; nor could he at all congratulate the country on any blessings which they had already enjoyed, or were likely to enjoy, from the services of the right honourable gentleman or his friends; and if he were at all to express an idea on the subject, he must say, though he said so with all respect and veneration to his Majesty, by whom he had been brought into office, he should congratulate the country as on one of the greatest blessings they had ever enjoyed, were the right honourable to concern himself no farther in their concerns; and should

look on his departure from power as one of the best days for this country.. He concluded by moving,

"That an humble Address be presented to his Royal Highness the Prince of Wales, requesting that his Royal Highness will be pleased to take upon him, during the indisposition of the King, and no longer, the government of this realm; and administer the same in the name and in the behalf of his Majesty, under the style and title of Regent of the United Kingdom of Great Britain and Ireland."

Mr. Canning said, that the immediate question before the House was, in what manner Parliament should proceed to confer the office of Regent, and, as to the particular limitations and restrictions which might be judged necessary, they might be more properly discussed after this question was disposed of. He thought that the right hon. gentleman (the Chancellor of the Exchequer) was well justified in not so much regarding those precedents which were to be found in the more early stages of our Constitution as that great recent precedent of 1788, in which Parliament, after the fullest discussion, resolved upon a course similar to that which was now proposed for filling up the deficiency of the Royal power. There was no other precedent which would more naturally suggest itself upon the present occasion, as the question was for supplying an incapacity in the Royal power exactly similar to that which had occurred in 1788. The case to be provided for now was as nearly as possible similar to the case in the precedent he had chosen to follow; but the two precedents quoted by the right hon. gentleman (Mr. Ponsonby), were cases that were very differently circumstanced. In the case of the Restoration, the object was simply to invite an exiled Monarch to resume a throne which he had never forfeited, and from which he had been only kept by the violence of those times. There was no incapacity in Charles the Second to resume the throne of his ancestors, and exercise all the Royal functions. His return to his dominions was anxiously wished for by his subjects, and therefore, in that case, the course which Parliament had to pursue, was clear and simple, and there could be no doubt but that an address was the proper mode of proceeding at that time. Nothing could be more unlike the present case, in which the object of Parliament was merely to provide for an accidental defect in the competency of the Sovereign. Neither did

the precedent of the Revolution appear to him to be more applicable to the present case. Was it the object at the Revolution to give only a temporary power to King William, and to provide for the more easy return to power of any other Sovereign? The objects which Parliament had in view at the Restoration, and at the Revolution, were so very different from that which Parliament had now in its contemplation, that it by no means followed that they were bound to exactly the same course of proceeding. At the Revolution, Parliament, instead of wishing to provide for the return of a Sovereign to power, considered only how they might best prevent the return to power of the former King. This made the precedent of what was done at the Revolution very inapplicable to the question of what ought to be done now. It must also be recollected, that at that period King James had abdicated the Throne, which was declared absolutely vacant; and, therefore, when there was really no King, it would have been impossible that the Royal assent could in any way be given to a bill, and there was no other way of filling the vacant Throne but by an address from the two Houses of Parliament. The Great Seal of the Kingdom itself then lay at the bottom of the Thames, and it was impossible consequently either to affix the Great Seal to any thing, or in any way to give the Royal assent when the Throne was completely vacant. An honourable Baronet (Sir Francis Burdett) seemed to think that because Providence had been pleased now to render one branch of the legislature incompetent to its functions, that therefore they were bound to incapacitate every other branch. He seemed to think it unfair, that the two Houses of Parliament should not be as incompetent as the Sovereign is at present. When he desired the House to look at the precedent of the Revolution; he observed, that then not only the two Houses of Parliament addressed the Prince of Orange, but that the Lord Mayor, Aldermen, and many of the Common Council, joined in the Address. It appeared to him, as if the hon. Baronet wished now to call in the assistance of the Lord Mayor and some of the Common Council to help the Legislature in settling the Regency. The two Houses of Parliament did, however, at that time assume a much greater act of power in putting the crown on the head of King William, than the House was now called upon to exercise. It was not necessary, however,

that Parliament now regularly assembled, should act as the Parliament had done in a case of such extremity as existed at the Revolution. It was not right (as Mr. Burke had expressed it) that the extreme medicine of the Constitution should be made its daily bread. The circumstances of the present case were so dissimilar to those cases which had been referred to by the right hon. gentleman (Mr. Ponsonby), and so similar to that precedent of 1788, which stands recorded as the proceedings then adopted by Parliament, that he thought it was for those who opposed the following of this precedent to shew why it should now be departed from. It must be recollected, that at the time of the Revolution, notwithstanding we now looked with unmixed satisfaction and delight at the resolutions then adopted by Parliament, those resolutions were not adopted without the most violent disagreements, and only by a majority of two. It was even then contended, that instead of the Throne being considered vacant, it would be more fair to consider it as if there was a mental derangement in the Sovereign. The question which seemed principally to be agitated in 1788 was, whether the Regency should be adjudicated to the Prince, as his right, or whether it should be conferred upon him by Parliament. A precedent had then been established, after the fullest consideration of the subject; and he could not but conceive that some mischief must result from departing from so very recent a precedent. As to the question of what limitations or restrictions ought to be imposed upon the Regent, after the fullest consideration which he could give to the subject, he thought the Royal functions ought to be conferred on the Prince of Wales almost without any limitation, except that which respected the custody of the person of the King. Whatever restrictions might in the former instance be thought proper, he would not now think it wise or expedient, under the present circumstances, to fetter his Royal Highness with the same restrictions. The difference of times was a very important consideration; and although he wished to follow the precedent of 1788 in point of form, he would not follow it where it might, under existing circumstances, be inexpedient for the public welfare. The hon. Baronet (Sir F. Burdett) argued as if it was impossible to go on for a month, for a week, or for a single day, without havin

the incompetency of the Sovereign supplied. He, on the contrary, had thought that it was proper and right to to wait to the utmost moment that the due discharge of public duty would allow, before he would proceed to the very solemn step of conferring on any other the functions of the Sovereign. After Parliament had, however, waited so long, in the hope of his Majesty's recovery, he thought that without any further unnecessary delay, the Royal functions should be conferred on the Prince of Wales, and, as he had before said, without much limitation or restriction. He, however, thought, that in the mode by which those powers were to be conferred on his Royal Highness, it would be much better to follow the path which was traced out in the precedent of 1788. He would not contend that this precedent was absolutely free from all objections; but he saw no evil that could result from following it, and therefore he must vote for proceeding by Bill, and against the amendment of the right hon. gentleman.

Lord Temple, having the misfortune to differ from those friends on the bench beside him, with whom he generally acted, was anxious to explain as early as possible the causes of that difference. He was rather for adopting the mode proposed by the Chancellor of the Exchequer, of proceeding by Bill than by Address, because he thought it more consistent with the principles of the Constitution. The Constitution looked to three estates of the realm to complete the legislation, and from three estates all power was derivable. These were the premises on which he should proceed, and which must be taken for granted ere they came to a conclusion. The Royal power in this country was permanent: its suspension was only temporary, and even where the Monarch was by disease stretched on the bed of death, his authority by a fiction still remained. A case of suspension now arose, and it was their business to limit themselves to the temporary necessity, and not to take advantage of that necessity in order to extend their own power: they ought to put the country in such a state, as that the law should be as soon supplied as possible. But the question was, how were they to act? He had no hesitation in saying, that they had a right to use the great seal, in order to fill up the vacancy caused by the suspension of the power to which

that seal peculiarly belonged. The great seal was the symbol of Royalty, and when the Royal functions were suspended, then it was the duty of the three estates to act and employ that seal to provide for the suspension. If he was asked in what book he found this doctrine, he would answer that he found it in the book of the Constitution,—in the same book where his friends near him found the authority of the Houses of Parliament to confer the power on the Regent; and surely when they said they could confer the Royal power, he ought not to be contradicted for saying, on the same grounds, that they could use the Royal seal. (*Hear! hear!*) The precedent of the Revolution had been relied on by his friends near him. In his opinion that precedent went quite a different way. Let them recollect the language of Sir Robert Sawyer, Sir Richard Temple, and the other great men of that time, who uniformly said that nothing but the absolute *vacancy* of the throne justified their measures. The law was suppressed, the great seal was taken away, the government was relinquished, and, in the emphatic words of Sir Robert Sawyer, "there was no way of *getting at* the Parliament." What was to be inferred from all this, but that if the great seal could have been obtained it should have been used? Such also was the language Sacheverell was instructed by the Commons of that day to use in the remonstrance with the Lords. So far then from being intimidated by the precedent of the Revolution, on that precedent he stood, and declared that they had no right to confer title, law, or privileges on the Prince, except authorised by *law*. An Address of that House might speak the wishes of the people, but he hoped he should never hear that such an Address was equal to a law of the land. It was a case of necessity, an alternative of difficulties; in such circumstances he would act upon precedent, and never consent to create a phantom, a man of straw, which was to put the Royal assent to the enactment of its own authority. He wished to get at the substance *by the law*—his opponents, to set up a shadow *above the law*. Judge Blackstone had declared Legislation and Royalty to be convertible terms; but those who voted for the Address, wished to reverse the doctrine, and make Royalty independent of Legislation. With respect to the restrictions, they were to become a subject of after-discussion; but he must declare in the

outset, that in such times the authority which devolved upon the Regent ought to be as unlimited as possible.

Lord Jocelyn took a review of the awful state of the country, and of the uncertainty of the times. He lamented as much as any man the present imperfect state of the Government, which ought in his opinion to be remedied as soon as possible, lest rebellious spirits should foment anarchy by disseminating an idea, that we could dispense with one ingredient of the Constitution. He was friendly to the mode of procedure by Bill, but hostile to the proposed limitations.

Mr. Adam thought it was clear that the regulation of the Royal person was separate and distinct from the prerogatives of the Crown, and ought to be directed by the Legislature. If the amendment was carried, a resolution could afterwards be passed with respect to the care of the King, &c. and these might be incorporated in due time in a regular act of parliament. With respect to the great and momentous question before the Committee, he had no hesitation in saying, that whether he considered analogies or precedent, in his opinion they ought to proceed by resolution. The only precedent on which the Chancellor of the Exchequer relied was that of 1788. The reason was because there was no other fact in all history to warrant what he proposed. At the commencement of that period, the great seal was put to the Commission, Parliament was assembled, in the mean time the King recovered, and he then appointed Commissioners to tell further grounds for the proceedings of Parliament by a speech from the Throne. The speech was made, and an address, as usual an echo to the speech, was carried. This address (carried unanimously), the Chancellor of the Exchequer contended, committed every member of that Parliament to an approbation of the preceding measures of the session. Far from it; the words of the address were merely vague and complimentary, only shewing indeed a due allegiance to the Monarch, but by no means arguing a commendation of any former proceeding. The very phrase of the King in shewing, by his Commissioners, *further* cause for the meeting of Parliament, argued a seeming doubt as to the *original* cause of their assembling. It had been said, that the political capacity of the King never ceased; this he fully admitted, and the only impeachment or denial of the doctrine which he heard was conveyed in the intended proceeding of the Chancellor of the Exchequer

himself. The precedent on which he acted was one, of all others, unworthy of imitation; commenced in an untoward time; continued in the midst of much party-heat, and cautiously framed by those then in power, in order to throw as much difficulty as possible in the way of those who were to succeed them in office. The precedent itself was an awkward and imperfect imitation of that whence it was taken. In the time of Henry VI. when he was an infant, the then Lord Chancellor, at his own risk, by the advice of the Privy Council, put the great seal to a proclamation to assemble Parliament. Parliament did not assemble, and the Duke of Gloucester was declared Regent. Such was the precedent on which the proceeding of 1788 was founded. Now he would ask, how did the precedent of 1788 follow its origin? Why, in no respect! In the one case the Chancellor, at his own risk, put the great seal to the commission: in the other the Chancellor, desirous to be guarantied in his temerity, made an application to the two Houses begging their direction: the one was a responsible act, without any protection; the other was an irresponsible act, with every protection. Such was the precedent now sought to be acted on! a precedent, which, if pursued, might bring us back to the dreadful times of 1641. And yet that precedent was to be compared with that of 1688? That glorious, ever-memorable epoch, which established, on a solid and unshakeable foundation, the liberties of this land, which combined in blended security the rights of the People and the prerogatives of the Throne—which gave to this realm a government of law, and abolished a government of whim. The nature of the act of 1788, and now proposed to be acted on, destroyed, as he had said, all responsibility.—He now came to consider the good which it went to substitute. In the first place, then, with respect to its safety. He denied that it was by any means a safer mode, or indeed so safe a mode as that which assumed no power and made no innovation.

The hon. gentleman went on to observe, that after having appointed the Regent, the two Houses would then naturally proceed to lay down all the rules and regulations on which he was to act, and thus establish a government of responsibility, of which there otherwise could be none. As to the care of the Royal person being placed in the hands of the Queen, that was not a restriction but a regulation; and he was convinced that no person could be more anxious than

his Royal Highness, that such a regulation should be established. With regard to the proposed restrictions on the powers of the Regent, they should meet with his decided reprobation. The whole of the prerogatives of the Crown were public trusts, conferred for the benefit of the people, and could not be done away or infringed upon without essential detriment. The proposition of withholding from the Regent the power of creating peers for a year, and until six weeks after the meeting of Parliament, appeared to him pregnant with consequences of the most disagreeable nature; for it brought the prerogatives of the Crown to be discussed in Parliament: and it might absolutely happen, that the upper House, from an idea of preserving their own powers and privileges, by preventing any increase of their numbers, might continue this restriction *ad infinitum*. Upon the whole, the sooner the House got into the regular march of the Constitution the better, and this in his opinion would be best done by the proposed Address of his right honourable friend.

The Attorney-General rose in reply. He alluded to what had taken place on the appointment of a Regent in the reign of Henry VI. At that period, his father being dead, and no Parliament sitting, the Chancellor put the Royal Seal to a Commission for summoning a new Parliament. This, in fact, from the urgency of the circumstances, was a proceeding absolutely necessary, and Parliament, thus summoned, afterwards proceeded to settle the Regency. The wise men of that time saw that measures of that sort should be carried into execution by the Lords and Commons. In the same way, at present, there must be found some mode of exercising the functions of Royalty, and was there any better mode than that of the two Houses directing the Lord Chancellor to affix the great seal to a Commission for that purpose? It was true we were placed in a situation of difficulty; but he had heard no reason to shew that our proceeding in the mode of Address, was a safer or more constitutional course than that by way of Bill. In such a case, then, we ought to look to the practice of our ancestors, and particularly to the precedent of 1788, as that which upon the whole it would be most expedient to follow.

Sir S. Romilly wished to deliver his opinion very shortly on the present occasion. To him it appeared that the first resolution contained an absolute contradiction to the method which was proposed in those resolutions that followed.

We had already resolved that it was the right and duty of the Lords and Commons to supply the vacancy in the executive, occasioned by the lamented incapacity of his Majesty; and yet we were afterwards to proceed to procure the Royal assent to a Bill which should pass the two Houses, without the possibility of his Majesty assenting at all. *(Hear! hear!)* Under such unfortunate circumstances, how can we devise any means of getting the assent of his Majesty, but by the most palpable fiction? Was the will of the Lords and Commons the will of the King, or how could any such construction be given to it? His right hon. friend, in proposing the present resolutions, had relied on one precedent alone: but he had said nothing at all of the two Houses of Parliament taking upon themselves to legislate; and not only so, but to pass a measure, under the fictitious semblance of its being an act of all the branches of the Legislature. He could not look upon that precedent in any other light but as a fraudulent trick, and altogether inconsistent with the open and manly manner in which every act of legislation should be performed. In matters of civil life, what would be said of a set of men joining together and making a contract for another in a state of insanity, and employing a person as his solicitor to affix his seal or his signature to such a deed? Should we not say that such a deed was a gross imposture, and absolutely null and void? The application to the present case was easy and obvious. Undoubtedly there was a distinction between the natural and political capacity of the Sovereign. It proceeded from the latter, that in his courts of justice all writs and acts proceeded in his name, though his presence there was by no means necessary. But here we were extending the political capacity of the Sovereign to cases of a very different sort; to acts of legislation where either his personal assent, or his assent by Commission, was absolutely essential to their validity, and could not be dispensed with. In fact, if you proceed to one act of legislation, why not to others? Why should not the two Houses make war or peace, lay on an embargo, or do any thing else, and then say that it was the pleasure of his Majesty, because the two Houses thought proper to do it? There was not the smallest necessity for a Bill in order to render valid the restrictions or regulations under which the Regency was to be held. These might be introduced into an Address with perfect propriety, and the very acceptance of that Address would

be also an acceptance of the conditions by which it was accompanied.

The Solicitor-General contended, that the proceedings by way of Bill and that by way of Address were substantially the same thing, and only differed in the mode of effecting the same object. It was said, that to use the King's name in assenting to the Bill was a fiction. But even in the Address proposed by the right hon. gentleman, was not the Regent desired to act in the name and in the behalf of the King? Even under a Regency, was not every act of the government still to proceed in the King's name? All this was perfectly proper, and where then was the impropriety of the two Houses ordering the Chancellor to put the great seal to a legislative measure in the name of the King? If the Regent was to act in the name of the King, why also might not the Chancellor? Suppose the King an infant, substantially no act could be done by him, though all the transactions of government were conducted in his name; though naturally incapable, his political capacity still existed; and it was precisely on this ground that the two Houses, in a case of necessity, were authorised to order the Chancellor to affix the great seal to an act of the Legislature.

Mr. Horner expressed his surprise that the learned gentleman should not see the difference between the two modes of proceeding, that by Bill going to assume the Royal power—that by Address only to confer it. He combated the arguments of the Solicitor-general and the Chancellor of the Exchequer, that the office of Regent was not known to the Common Law; shewed that it was well known—that the earl of Pembroke was Regent in the reign of Henry III.—that the office of the Guardian of the Realm, and Lords Justices, in the absence of the Royal Authority, were also used; and though they might not be known to the Common Law, they were well known to the Constitution. The learned gentleman spoke at great length in favour of the mode of proceeding by Address.

Mr. Croker recapitulated the arguments of the Attorney and Solicitor general, and insisted that the proceeding by Bill did no more than enable the Chancellor to fix the great seal, while that by Address gave the Prince the power of doing the same thing; so that the difficulty attending the one, was by no means removed in adopting the other. The Convention Parliament proceeded by Address, because they could not proceed by Bill; and notwithstanding all that

had been advanced by the gentlemen on the opposite side of the House, he was convinced the mode of proceeding by Bill was the preferable one, and he should therefore support the motion of his right honourable friend the Chancellor of the Exchequer.

Mr. Whitbread said he should not trespass long upon the time of the House at that late hour of the night, much less should he attempt to enter into the speech of the hon. gentleman who had just sat down. In a matter of such infinite importance as the present question, he could not but notice the extreme delicacy which seemed to have induced the House to shut their eyes to the important proceedings which had lately taken place. Was it sufficiently recollected that the King had now for seven long weeks been unfortunately incapacitated from exercising the functions of the Royal authority. It appeared by the examination of the physicians, that his Majesty had been all that time ill, and yet ministers had dared to proceed as if there were a daily appearance of his progressive amendment. Could the right hon. gentleman, according to the account given by the physicians, be warranted in declaring in the first instance that his Majesty's malady was likely to subside? Could the House, after the ample information they had received from the report of the examination of the physicians, act in future as honest men, by only resorting to temporary expedients? All the physicians, except one, had declared that his Majesty, though he should recover from his present disorder, was likely to be revisited by it hereafter. In 1801, it appeared he had been extremely ill. Ministers had resigned their situations, and a new writ had actually been issued, in the place of the new-appointed minister; but from the unfortunate circumstance of the King's sudden derangement, he could not receive the resignations that were intended to be made. His Majesty, however, got better, but a relapse soon after took place; and yet ministers had dared to act as if he had been in the full possession of his faculties, and no notice whatever was taken of it in either House of Parliament. The same circumstance occurred in 1804. At that period it was said, that his Majesty was well; yet, by the late examination of the physicians, it appeared to have been quite otherwise. Ought they not then to act with the greatest caution, and with especial care provide that no such illegal and unconstitutional proceedings should take place in future? For his own part, he

felt it a duty he owed to his constituents, and he thought the House ought to consider it as their duty to the country, to see that such proceedings should never recur. Whatever the learned gentleman might say about precedents, it was necessary to provide, and that as speedily as possible, for the melancholy absence of the Royal authority. No provision could be more proper than that of a Regent, nor any person so fit as the Royal person who was now proposed to fill that high office. The honourable and learned gentleman (the Attorney-General) had confined himself entirely to the consideration of the precedent of 1789, and could not, it seemed, prevail on himself to look at any other. But it ought to be remembered, that the Bill brought in at that time was stopped in its progress through the House of Lords. He hoped, however, that whatever measure should now be adopted, Parliament would proceed with it forthwith; so that if the misfortune should ever happen again, they might be provided with the means of surmounting the difficulties with which they were now surrounded; and should know in that case, who would, in any future melancholy instance of the incapacity of the King, be the proper person to supply his place. The question now for the immediate consideration of the House was, which was the best mode to pursue, that by Bill, or that by Address? For his own part, he preferred the latter, on account of its simplicity. The proceeding by Bill was fraught with difficulty and intricacy. He denied the justice of the Solicitor-General's argument, that doing an act authorising the Chancellor to put the great seal to the Bill was the same with that of conferring the Regency on the Prince of Wales. If they went to the fiction of making Royal authority by that which is not Royal authority, they committed a fraud, for they could by no possibility make it Royal authority. He then commented, at considerable length, on the provisions of the intended Bill which had been sent up to the Lords from that House in 1789, in which several most unconstitutional restrictions had been put upon the Regent; who was thereby tied up from giving his assent to certain Bills therein described, if ever they should be brought forward: a power which he contended King, Lords, and Commons, all together could not legally assume. These defects having appeared in the Bill, it became necessary to see how it originated. The question of right having accidentally been mentioned by a very high authority in that House (Mr.

Fox), for whose memory no one could entertain more respect than himself, the point was warmly taken up by the right hon. gentleman (Mr. Pitt) then at the head of his Majesty's councils; and although Mr. Fox declared he did not mean to assert such a right, though the Prince himself, in the most unequivocal manner, as well as his Royal brothers, all disclaimed any idea of asserting such a right, yet that right honourable gentleman would not suffer himself to be diverted from discussing the subject from day to day, and from week to week, for the purpose of gaining delay, and the matter was continually debated for a length of time, until his Majesty recovered. The right hon. gentleman opposite had now grounded himself on that precedent, and it seemed to be his wish to try his hand at becoming a reformer, by diminishing the prerogative of the Crown. He (Mr. Whitbread) had frequently supported resolutions and moved bills, the purport of which was to lessen the prerogatives of the Crown; but this had been at times when the Crown was in its full splendour. Now, when it appeared to be in eclipse, he would not on any account consent to touch these prerogatives. Adverting to the Bill of 1789, in which Mr. Pitt had restricted the Regent in the creation of peers, he called to the recollection of the House, that until that particular day, that right hon. gentleman had been extremely lavish of such honours. Subsequent to that time it was well known to every man who heard him, that he had been profuse in bestowing them. The right hon. gentleman opposite to him, he owned, had been in that respect very abstinent; but that, perhaps, might be owing to his Majesty being convinced, that during the course of his reign, the power of granting peerages had been most scandalously abused, and he had therefore taken that part of the prerogative into his own hands. He wished by no means to enter into the transactions of that time; he had endeavoured as much as possible to steer clear of it; but when that precedent seemed to be the only one in the opinion of the right hon. gentleman worthy of being attended to, and those restrictions were again attempted to be brought forward, he could not, when he reflected on the temperate and dignified conduct of the Prince of Wales, avoid taking notice of them, and warning the House to take care how they agreed to fetter him with similar restrictions. He commented with considerable severity upon the fiction, by which it was proposed to empower the Lord

Chancellor to put the great seal, by way of giving the Royal authority to the passing such a Bill as was in contemplation. If they could order the great seal to be put to a Bill constituting a person Regent, they might, by the same great seal, at any time afterward, annihilate that Regent; and no one so constituted could be sure of retaining his office for a month. The right honourable gentleman on the opposite bench had even gone farther into the principle of these restrictions than his predecessor had done, for by that Bill the restrictions were to cease after a certain time; but by the Bill now to be brought in, according to the plan of the right honourable gentleman, Parliament, after the expiration of the restrictions, was to have a controul over the Regent for six weeks after the commencement of its sitting. The right honourable gentleman seemed studious to have the Royal authority preserved unimpaired, only for the King; but it was not the King's property. It was the property of the people; and whoever talked of the prerogative of the King merely, spoke high treason against the Constitution. Mr. Whitbread then adverted to the speeches of Mr. Canning, the law officers of the Crown, and the supporters of the proceeding by Bill, which he commented upon with much humour and occasional severity. He also adverted to that part of the Bill which spoke of the custody of the King. The goodness of the Prince's heart, he said, was such, that though it could hardly be confided to better hands, yet the Prince himself had expressly denied it should be otherwise. But under whose guardianship had the King been for the last seven weeks? Why, in the custody of the usurpers of his power; and the question was of great anxiety, who had exercised the Royal functions for the last seven weeks? Who had performed the offices of the executive government during that period? Mr. Whitbread proceeded in this strain for a considerable time, and concluded a very able and animated speech, by giving his warm support to the proceeding by Address.

Lord Castlereagh, at considerable length, supported the mode intended of proceeding by Bill.

The question being loudly called for, the House divided.

Against the Amendment - - -	269
For it - - - - - - - - - -	157
Majority for Ministers - -	112

The original motion was then agreed to, and at four o'clock the House adjourned.

HOUSE OF LORDS.

THURSDAY, DECEMBER 20.

Earl Camden (as Chairman) presented the Report of the Committee appointed to examine the Physicians respecting the state of his Majesty's health.

The noble earl next moved, that the Report should be read short; which it was accordingly.

His Lordship then moved, that the report be printed. On the question being put,

Lord Holland rose, not for the purpose of opposing the motion, but from an anxiety to take that opportunity of putting a few questions to ministers. Upon the manner in which these questions were answered, would in a great measure depend the opinion which he should entertain of the conduct of those persons. They would shew whether the settlement of the executive power has been protracted without any material inconvenience to the country. Before he put those questions, however, he would say a few words as to the mode of proceeding it was proposed to adopt. The noble earl (Liverpool) had stated on the preceding evening, that on Thursday next he should submit three resolutions to the House, the same that were agreed to by both Houses in 1788. With regard to the first of these resolutions, he presumed there could be no difference of opinion. As to the second resolution, he would feel it his duty to move the previous question thereon, upon the ground that their lordships were not called upon to decide upon a mere abstract question of right. With respect to the third and last question, he would substitute a new mode of proceeding entirely, and in place of a Bill appointing a Regency, he should move an amendment, recommending their Lordships to address his Royal Highness the Prince of Wales to assume the government, subject to such regulations as Parliament might think proper. When the last resolution came before the House, a question would necessarily arise as to modes of preference. Some were of opinion that the proceeding by Bill was the most eligible and constitutional, while others gave the preference to the proceeding by Ad-

dress. Among the former were certainly many persons eminent for their virtues and talents. His noble friend, (Lord Grenville), who was not now present, had declared himself in favour of the proceeding by Bill; but with all his respect for the judgment and research of that noble person, he could not, for himself, so far defer to his authority as to agree with him on that important point. There were many others who entertained the same opinion with himself on this point, and therefore he thought it would be proper to afford them an opportunity of declaring their sentiments, and supporting them by their votes. The situation of the country was far different now from what it was when this melancholy subject was formerly agitated. The executive government might have been suspended in 1788, without any great inconvenience; but under the circumstances of our present situation, the suspension could not continue without manifest injury, without laying the country at the foot of the enemy. He was anxious, therefore, that the House should come to a decision as soon as possible, and that an Address should be preferred to a Bill, or at least that the most expeditious mode possible should be adopted.

But, previously to the discussion of the resolutions, he was desirous to learn from the noble earl, what decisions had been suspended, or, what decisions had not been taken, during the suspension of the Executive Government. He wished to be informed, what decision, if any, had been taken with regard to Sweden; whether hostilities were ordered to be practised against that Power without any declaration of war on our part, or any proclamation authorising hostile retaliation? He wished to learn from a noble marquis (Wellesley) whether any decisions were awaiting in his particular department? He would not trust to the principle of responsibility, and hear ministers afterwards endeavouring to justify their measures by the necessity of the cases out of which they arose. He would not consent that they should usurp an authority they were not entitled to assume. There was also another point upon which he trusted ministers would not refuse information; he alluded to South America, and particularly to Buenos Ayres. He wished to know, what line of policy they intended to pursue with respect to that country, now so interesting on many accounts? He was also anxious to ascertain what was their determination with respect to Portugal? Did they intend to adhere to that line of policy of which he was one of the

warmest in approving, when his hopes were more sanguine than they were at present? Were they prevented by the unhappy suspension of the Executive Power, from sending reinforcements to that country? For he would send reinforcements there, notwithstanding his hopes, as he had already mentioned, were less sanguine now than some time back, so long as the eminent Commander who commanded in that country thought such reinforcements might be usefully employed. Why were not these reinforcements dispatched? Was it because doubts were entertained of the legality of such a measure? If that were the case, it was an irresistible argument in favour of proceeding to the supplying of the Executive Government with all possible expedition. If these inconveniences exist, they arose not from the necessity of the case, but from the unjustifiable protraction of the settlement of the Executive Power. For this reason, where two modes of proceeding presented themselves, their Lordships, he conceived, were bound to adopt that which appeared likely to be the most expeditious. A most important question also arose respecting the United States. We were called upon to adopt one of two modes of policy with regard to that power. For his own part, he would declare, in the most unqualified manner, that the Orders in Council ought to be revoked. That country expected our decision by a precise time, and she had a right to an answer. These were facts upon which he wished to be satisfied. His only object in asking these questions was, that the House should be in full possession of the facts before they were called upon to come to a decision on the third question.

The Earl of Liverpool said, that, with every desire on his part to afford any information to his noble friend which might with propriety be communicated; he lamented that he could not accede to his wishes on the present occasion. It was impossible for him to answer the questions proposed by the noble lord, without entering into a review of our whole policy. When the proper time should arrive for discussing the various subjects alluded to, he would not be found shrinking from the question. From the first communication respecting his Majesty's melancholy condition, the situation of ministers was one of extreme difficulty. They had to determine how long they ought to call upon Parliament to suspend all proceedings, and when those proceedings ought to commence. On this occasion they pursued the course which appeared to them to be most constitutional;

that is, they put themselves in the discretion of Parliament. They proposed short adjournments. When the proper moment for discussion arrived, he trusted that he should be able to shew that their conduct was regulated by a full view of the difficulties of their situation. But although he could not afford his noble friend all the information he required, he would take that opportunity of declaring, that he was not aware that any injury to the public service had as yet resulted from the suspension of the Executive Power. Ministers had not abstained from doing any acts which the safety or the interests of the country required. With respect to the proceeding by Bill and by Address, he trusted that he would be able to shew, when the question as to the preferable mode of proceeding came before the House, that the proceeding by Bill was not merely the most legal and constitutional mode, but that it was the *only* legal and constitutional way of proceeding. If the House set any value upon precedent, if the practices of former parliaments were entitled to any respect, they had no option but to follow the precedent of 1788-9. He should say nothing more upon the subject at present, but conclude with that general statement.

Lord Holland said, he did not press for an answer. He threw out the questions merely for the consideration of their lordships.

Earl Grosvenor observed, that he would have risen with more satisfaction, if he could have approved of what had been done. But when he reflected, that the melancholy circumstance which occasioned the suspension of the Executive Government had now continued nearly eight weeks, and that, during that time the House had gone no further than the preliminary step, he must deprecate any further delay. Under all the circumstances of our situation, he thought it was the bounden duty of that and the other House to proceed to supply the deficiency in the Executive Government as soon as possible: the less unnecessary delay the better. A reference to the precedent which occurred in the reign of George the Second would shew, that the person who was to execute the office of Regent, might be appointed by other means than a Bill in Parliament. He alluded to the appointment of the Princess of Wales, as Regent, during the minority of George Prince of Wales, in case of the demise of the then reigning Sovereign, upon conditions to be afterwards settled by Parliament. With respect to the two

modes proposed, that by Bill, and by Address, he must give the preference to the latter. When this important question was agitated some years ago, he gave his feeble support to the proceeding by Bill, because no injury could have arisen to the country from the temporary suspension of the Executive Government. But the state of the country was very different at present; circumstances were changed; and that which might have been very proper and justifiable in 1788, may prove highly detrimental to the public welfare at this momentous crisis. For these reasons he would give his vote in support of the most expeditious mode of supplying the deficiency in the Executive Government. If any restrictions on the power of the Regent were necessary, they might be embodied in the Address.

His Royal Highness the Duke of Clarence said, that he felt less difficulty in addressing their lordships now, than if he had risen immediately after the noble earl on the opposite bench. He would detain their lordships but with very few words. Great and momentous as the present crisis was, he would now abstain from fully uttering his sentiments upon it. In common with all their lordships, he deeply felt the unhappy calamity which called for the proceeding which the House were about to adopt; but from the particular situation in which he stood, he had a more poignant cause of regret. He could not, however, avoid making one short observation upon what fell from the noble earl, respecting the precedent of 1788. Had he at that time had the honour of a seat among their lordships, his conduct would have been then what it will be on this occasion. He would have voted for the proceeding by Address, instead of that by Bill. He wished their lordships, in the present instance, to adopt the same line of conduct with the Parliament of that part of the empire which he believed he was the only one of his family that had visited—he meant the Parliament of Ireland—and call upon the Prince of Wales at once to assume the government of the Country. This he conceived to be at once both the most constitutional and the most expeditious mode of supplying the deficiency in the Executive Government: he was persuaded it was the mode most conducive to the good of the Country, and the good of the Monarch; for any thing which was injurious to the one, must prove equally so to the other.

The Duke of Norfolk said, that the noble earl (Liverpool) had stated that no inconvenience resulted from the sus-

pension of the Executive Power. If the fact were so, ministers had in effect taken the sovereignty into their own hands. There was nothing to prevent them, upon this principle, from issuing declarations of war, or concluding treaties of peace. He begged the House would consider the degree of power these persons had arrogated to themselves, and then say, whether they were content to allow them to remain in possession of it. As to the precedent of 1788-9, he flatly dissented from the whole course of proceeding on that occasion. He recommended the precedent at the Revolution, and maintained that the proceeding by Bill was neither legal nor constitutional. He had heard something in a former debate about a fourth estate, and that Parliament was not composed of King, Lords, and Commons, but of King, Lords Spiritual and Temporal, and Commons. Of these Lords Spiritual, he knew nothing as an independent body, except when they met in convocation.

Earl Stanhope rose in defence of a person who was absent (Lord Grenville), and who, he must say, had not been fairly dealt with, by having nonsense put into his mouth. His noble friend did not say that the Lords Spiritual composed a fourth estate of Parliament, but that they were one of the states of the realm.—Now that he was up, he would say a word or two to the noble lord over the way. His lordship had asked his (Lord Stanhope's) side of the House, some questions as to the mode in which they proposed to proceed. Now, though it was very common for the opposition side of the House to ask questions of ministers, it was not usual for ministers to put questions to them. He must therefore conclude that the noble earl no longer considered himself as a minister, and if so, he was very glad of it. *(A laugh.)* He would, however, be more communicative than the noble earl was, with respect to the information sought by his noble friend (Lord Holland); and he would tell him, that it was his intention to move an amendment to the second question, upon which, whether that amendment was adopted or not, he was already apprised that the previous question would be moved.

Lord Erskine said, that he should not at this time offer any observations upon the point which the noble Earl had undertaken to prove, namely, that the proceeding by Bill was the only legal and constitutional mode. It was always his practice, as it was in the habits of his life, to hear the opinions of others before he peremptorily declared his

own. The question was momentous, and could not be too soon brought to a decision. The situation of the country would admit of no delay; could not wait for the erection of that bungling machinery, by the operation of which it was proposed to supply the deficiency in the government. If the competence of the two Houses to fill up that deficiency *instanter* was denied, there was an end to the social union. The mode proposed on this occasion was as absurd as if a man who was required to go a great distance in a short time, instead of getting on horseback and proceeding at the rate of ten miles an hour, should set out to walk and go backward to York. Whatever the House determined, it was imperious on them that the country should not be injured by unnecessary procrastination.

The Earl of Lauderdale called the attention of the House to the new sources of delay which had been opened, and to the alarming consequences of extending the period which had already elapsed without the legitimate exercise of the Executive authority. After waiting till Thursday next for the proposition of the noble earl (Liverpool), the House had notices of two motions which would then be made, the one to amend, and the other to supersede, by moving the previous question, the second resolution which the noble Earl had announced his intention of submitting. What limited time could be anticipated for these discussions? The House had indeed been told that they need be under no alarm as to any supposed continuance of the suspension of the sovereign functions, that the suspension had indeed hitherto been nominal, and that all the necessary duties of Executive Administration had been duly performed by the noble lords themselves who now came down to the House with this novel declaration. Let the noble lords who heard him, consider the nature and the tendency of this extraordinary avowal; he wished to draw their attention to a single example. The period when the act for prohibiting the use of corn in the distillation of spirits, it was well known, was approaching; commercial speculations had already been created by the natural presumption, that under the present extraordinary circumstances, the sign manual could not be put to a proclamation for continuing the provisions of that act. Sales and purchases in the great articles implied in these contracts, had all proceeded on the faith of the impracticability of enforcing that prohibition. What then must be the surprise

of the mercantile world, what would be the sensation of those peculiarly interested in the issue of the question, to find that they were egregiously deceived in imagining that the regal functions were suspended, or that there was no power that could venture to prolong the operation of an Act of the Legislature! (*Hear! hear! hear!*) The consequences of that system of delay, which ministers were studiously pursuing, were in his apprehension of the most alarming nature, both to the immediate interests of the country, and as they went to establish a dangerous precedent on future occasions. No such artful delay had been attempted in 1788. In alluding to the events of that memorable era, he was now at liberty to consider them as matters of historical record; and he was convinced that those grounds of necessity which were alleged to exist at that period for declaring by coincident Resolutions, the right and province of the Estates of the Realm to supply the occasional defect of the Executive Power, did not, and could not be made to appear to exist at the present moment. By a natural preverseness the multitude will always form their opinions of those whom they dislike or oppose, according to the representations made to them by those whom they admire or support. Thus, in the year 1788, the friends of Mr. Pitt measured their abhorrence of Mr. Fox's doctrine, and moulded their conceptions of it by the insinuations of that statesman's enemies, and *vice versa* Mr. Pitt's opinions were exposed to an equal degree of misunderstanding and reproach. It was not too late, nor was that an improper occasion for explaining that the difference which actually prevailed between their respective sentiments, was out of the breadth and amount which was too generally believed. Mr. Fox had never asserted that the Prince of Wales had an absolute, unquestionable right to the exercise of the Royal functions in cases of their natural and temporary suspension; but that his right, although paramount, was subject to the adjudication of the two Houses of Convention. Mr. Pitt, on the other hand, proclaimed the right of the two Houses to the power of supplying the the defect, but without denying that the Prince had an irresistible claim to the exercise of the Sovereignty during the continuance of his Majesty's incapacity. Lord Lauderdale declared himself to be scarcely able to distinguish a substantial right from an irresistible claim; but if no jus-

tification, at least an apology might be found, for coming to the Resolutions passed at the period which he had alluded to, and that apology was to be found in the doubt and ambiguity that had unfortunately arisen in the public mind on the subject. But with those Resolutions before them, after the precedent had been once fairly and solemnly established, for what purpose cognizable by common sense were they now to be drawn into a needless reconsideration of them?—Did the noble lords opposite to him desire to put those Resolutions to any hazard? or was their object neither more nor less than additional delay?

He wished to say a few words more on an idea started by a noble earl under him, (Grosvenor) which in his judgment was utterly unfounded, and calculated to produce an unjust alarm. The noble earl had stated, that by adopting the course of proceeding by Address, the administration of justice would be arrested, and the courts legally incapacitated from sitting in the discharge of their appropriated duties. On this point he begged leave to refer the House to the period of the Restoration, when, under the circumstances of a total change of government, the due and regular administration of the laws had never been interrupted, nor the confidence of the country in the faithful dispensation of justice disturbed. He should conclude with saying, that the measure of an Address should have his strenuous support, as not less expedient in the present emergency of public affairs than consonant to the true principles of the Constitution.

Lord Darnley approved of the proceeding by Address, in preference to that by Bill.

The Earl of Liverpool, after some observations from Earls Stanhope and Fitzwilliam, and the Marquis of Lansdowne, as to the form of the motion, moved that a Committee should be appointed to assertain the usage of voting by proxy on occasions similar to the present, and that they should make their report on Wednesday.

[Adjourned.

HOUSE OF COMMONS.

FRIDAY, DEC. 21.

REPORT ON THE STATE OF THE NATION.

Mr. Lushington brought up the Report.

On the question that it should be read—

Sir Francis Burdett rose to offer his objections to some of the resolutions, but was informed by the Speaker, that the most proper time for making observations would be when the question was put, that the House agree to the said resolutions.

The resolutions were then read; the first of them, which declared the present incompetence of the Crown, was agreed to unanimously.

On the question being put on the second, *Sir Francis Burdett* and *Lord William Russell* rose nearly at the same time, but *Sir Francis Burdett* gave way to *Lord William Russell*.

Lord William Russell stated, that although there were many points in which he could not agree with the hon. Baronet, yet in this point he concurred with him. As long as he should find the hon. baronet maintaining doctrines which tended to preserve the liberties of all the people of these realms, so long would the hon. baronet find from him as warm a support as from any of his most determined partizans, so far as it was in the power of his humble abilities to support him. He was himself old enough to remember all the proceedings which took place in the year 1788, and he did not consider the cases so similar as to make the same resolutions proper now which were then conceived to be necessary. He recolleoted perfectly well, that the resolutions which were then agreed to originated from circumstances which arose in the course of debate. An assertion was supposed to have been made by his revered friend, the late Mr. Fox, that the Prince had an absolute hereditary right to take upon himself the Regency during the incapacity of his royal father. It was on the supposition that such an assertion had been made, and a claim of that nature set up, that Mr. Pitt conceived it to be his duty to bring forward his resolutions in the way of counter resolutions. There might, therefore, have been at that time some necessity for such resolutions; but it did not follow that there was the same necessity now, when no such expressions had been

made use of. He did not conceive that the great seal could at all supply the place of the Royal authority; and if it was intended to do so, he thought the person to whom it was entrusted ought to have the power to assent to or dissent from, the proceedings of the two Houses, and exercise a choice whether he was to affix the seal or not. He could not agree with the resolution which had been read, and he should therefore conclude by moving the previous question.

Sir Francis Burdett said, that he concurred heartily in what had fallen from the noble lord, and he thought that the ground he had taken was so strong as absolutely to require an answer from those who rested on the necessity of the case. Those who pretended, and, as he thought, falsely pretended, that the course they recommended was founded in necessity, ought now to shew upon what necessity it was grounded. If any alternative could be pointed out to them, they had no right to talk of necessity. They might call it expedience, convenience, or any thing else they pleased, but they had no right to call it necessity. He thought very little weight indeed was due to a mere abstract assertion of any former House of Commons, or assembly like that, which was perpetually changing its doctrines, and on whose journals the most direct contradictions were recorded. The gentlemen who chose to follow the precedent of 1788 in a case which totally differed from it, should consider, that to do the same thing in fact, in cases which differ materially, may be doing a very different thing in principle. When it was alledged that it was the right and duty of the Houses to supply the deficiency in the Royal power, he must say he acknowledged no right in either of the Houses, other than what the law gave them. On every ground of reason and analogy from other cases, he thought that although it could not be said that there was an absolute and strict right in the Heir-apparent to be the Regent, yet that it was evidently the most natural and obvious mode of supplying the deficiency, for the Heir-apparent to exercise the Royal functions as in the case of a demise of the Crown. In the earlier times of our history it was considered in the light of a demise of the Crown when the King was held prisoner by his enemies, or driven out of the country. Every reason from expediency or analogy was in favour of immediately investing the Heir-apparent with the whole power of the government. It appeared to him, that a great

deal of time had been already wasted, and that this country ought not to have been suffered to remain six weeks under a mangled Constitution, and without a chief magistrate competent to discharge the duties of that high office. A right honourable gentleman (Mr. Canning) had yesterday in a facetious tone asked, whether he thought, that because the King was incompetent, the two Houses of Parliament should also be rendered incompetent? He thought another course might have been pointed out, which would have given to the Houses the constitutional aid and support of the people of this country. In more ancient, and, as he thought, in much more pure times of the constitution, the members of the House of Commons conceived it to be their duty to have conferences with the counties from which they were returned, and in this manner the sense and the will of the people could be ascertained in cases of great emergency. If such a course had been taken in the present case, in less time than the six weeks which has now been wasted, he believed that the opinion of the people could have been declared about the proper mode of supplying the deficiency in the Royal power. The speech of the right honourable gentleman (Mr. Canning) was replete with jocularity, and he congratulated him on having recovered his good spirits and accustomed facetiousness; for it had been a long time since he had displayed those qualities to the House. His spirits had appeared under a cloud, from the time that the ministers directed the dreadful march of death in the Island of Walcheren. At that time he acted with a colleague, who was, in his judgment, unfit for his situation; and for continuing in office with a man who he thought was most unfit to conduct the military affairs of the country, it appeared to him that no minister deserved impeachment more than the right honourable gentleman. Some time must necessarily have passed since those events before it was possible for the right honourable gentleman to resume altogether his native jocularity and facetiousness. He would, however, now repeat, what on last night provoked his mirth, that in former times the Lord Mayor, Aldermen, and Common-councilmen of the city of London were a very important body, and had a considerable weight in all the political affairs of the country. He did not think that their presence would contaminate that House, and certainly at the time of the revolution they, as well as many of the nobility and gentry, did wait on the Prince of

Orange, and entreat him to take upon himself the government. What would the right hon. gentleman think, if the citizens of London were now to present an Address to the Prince of Wales? Though the right hon. gentleman now affected to hold such bodies in great contempt, and although the interference of the citizens of London in political affairs was treated as quite ridiculous, the right hon. gentleman did not always hold them in such contempt. When he was Secretary of State, he did not disdain to meet a parcel of contractors and loan-jobbers at a public dinner; and having met them at this dinner, he did not think it beneath him to lay before them the state of the nation. He agreed in most things which had been said by a learned gentleman (Mr. Horner) in the debate of last night; but there was one thing in which he could not avoid differing. The honourable and learned gentleman seemed to conceive that there was some law which was above the law of the land, and which was only to be found in the proceedings of parliament. From this opinion he must totally dissent. He acknowledged no law superior to that which was to be found in the statute book; and as to the recorded proceedings of parliament, they were so contradictory, that he could not see how any thing could be extracted from such an inconsistent mass, which deserved the name of law. As to the Constitution, he conceived it to be that which was established by law, and not a mere theoretical Constitution in the air. It was evident that the generality of those who argued upon the Constitution, differed entirely in their ideas of what was the Constitution; and consequently all arguments were like endeavours to cast up the same sum with different figures. As to the mode that was proposed for supplying the deficiency, it appeared to him more like a complete subversion and usurpation of the Crown, than the supplying its deficiency. If the two Houses wish to create a third estate, they ought to create a will also to judge of its necessary functions. Now, the gentlemen on the other side of the House seemed to consider the great seal as something of a magnetic influence, a sort of talisman, which could effect miracles; and the right honourable gentleman (Mr. Canning) seemed to think, that its having been thrown into the Thames at the time of the Revolution, made a serious difference in the question. The gentlemen on the other side mistook the principles of the Revolution

entirely, if they thought the great seal or no great seal was of any importance on that occasion. It was a great principle which was settled at that time, that power originated with the people; and that there did exist an original contract between the Crown and the people, which, if violated by the Crown, the power lawfully reverted to the people, who might confer it where they thought proper. It was this great principle which our ancestors had in their thoughts at the time of the Revolution; and the miserable expedient of making a Sovereign of a great seal never occurred to them. As for the precedent of the resolutions of 1788, he never could admit that there was any necessity or expediency in the House of Commons laying down abstract propositions, and entering them on their journals to govern future cases, however dissimilar they might be in the circumstances. The ministers, however, had been most servile imitators of the precedent of 1788, and never seemed to have considered the reason why those resolutions were then passed. Similar resolutions were not called for now, as nobody had, on this occasion, started that doctrine which was then so warmly discussed. He, indeed, suspected that in 1788, as well as upon the present occasion, ministers had a reason which they did not choose to avow, and that was to produce as great a delay as possible. The resolution which was now before the House asserted a thing which was not true in fact, namely, that "the two Houses *fully* and *fairly* represented all the estates of the realm." This statement was contrary to the fact, and it was an assertion quite uncalled for, and therefore, as he thought, most unwise. He therefore felt himself under the necessity of taking the sense of the House upon that resolution, although he had very little doubt but that the sense of the House would on this, as on most questions, be the same as the sense of the right hon. gentleman, or rather of the treasury bench on which he sat. He thought it, however, necessary to protest, as formally as it was in his power to do, against the terms in which the present resolution was conceived.

Mr. Lambe protested against the delay which was allowed to intervene in this emergency between the suspension of the Royal functions and the provision necessary to be made for it. A delay even of weeks without any reason or advantage whatever. By the dictates of common sense,

and the fundamental records of the country, whenever any vacancy occurred in the Royal office, whether that vacancy was occasioned by the illness, or the captivity, or by any other misfortune of the reigning Monarch, the right of filling up such vacancy instantly devolved upon the two Houses of Parliament. This right was fully substantiated by various proceedings, by the act of the Long Parliament, and by the declaration of Charles II. The principle of that parliament was sound and conclusive, although the argument on which it was founded, that of the King's withdrawing to York, might have been objectionable, and although their subsequent proceeding might have been erroneous. No one was more disposed than he was to admit, with the honourable baronet, that there were defects in the representation of that House. No one was more willing to contend for the necessity of some reform; but still he must declare that until such reform took place, their assemblage was legal. The hon. baronet, anxious as he was in his efforts to prevent anarchy, ought to consider in reality what an anarchy he was introducing by thus sweeping away at one blow all the parliamentary acts for one hundred years back—by thus reducing them at once to their primary assemblies. The honourable baronet's own proceedings were at direct variance with his principles. Thus, some time ago he applied to the House for the appointment of a Committee to inquire into the state of the representation; on this proceeding, if agreed to, no doubt he intended to found a bill. Now where was the use of the hon. baronet's application, or where would be the validity of his bill, in case, as he declared, that House was not legally convened? *(Hear! hear!)* So much for the constitutional doctrine of the hon. baronet. Now, with respect to the delay which had taken place, he must say he thought that delay very pernicious; and so far differed from the right hon. gentlemen opposite. It was right in the House, all would allow, to take effectual measures for the supply of the deficiencies in the executive; but, could any person say that it was right in them to defer this duty week after week, and proceed from one adjournment to another? Who knew what might be the effects of such delay—the injury of the precedent—the danger of the example—the detriment which must ensue to the public service? Delicacy had been assigned as the reason and the apology. He was very ready to allow every deference to that delicacy within the

bounds of discretion—he was willing to do it abstractedly as well as individually. It was impossible not to see this desire in the general sympathy of the country—it was impossible not to see the great bulwark raised round the Monarch by the universal respect and compassion which he excited. *(Hear!)* Abstractedly, indeed, every delicacy was due to kings. It was the misfortune of their high station, that every act they did was the source of observation—their lives, their errors, their failings, their misfortunes, even their very maladies were subject to an inquisition. *(Hear! hear!)* The proceeding by Bill he deprecated altogether. As to its having more weight than an address, he confessed himself incapable of conceiving. He could not see how a commission executed by a body could possibly have more efficiency than the act of the body itself, whence that commission emanated. The proceeding by Bill he thought illegal: but even supposing it was equally legal with that by Address, still could not every object be as well attained by the latter? Could not every limitation be as effectually imposed? Could not any provisions be as well engrafted on the Address as they were in a former instance on the declaration of rights? He did not wish, constitutionally speaking, to trust to the discretion of any Regent, or of any King—it was right to suspect them, not personally, but politically—it was right to watch over them with a vigilance, which, without supposing them unjust, might prevent their being so. To those who would say that the mode of address freed the Regent from this suspicion, he would ask, did not the mode by Bill rather tend to throw that suspicion upon Parliament? Did it not go to say that the moment the Prince came into power, he might influence the House, and fritter away the limitations?

The mode by address was adopted at the Revolution, and yet King William did not escape from the limitations. It was true he wished to evade some of them, as in the instance of the triennial act and another; but still in the end he was obliged to assent, and Parliament was finally triumphant. The act of the Prince or Regent in agreeing to the address would be voluntary; whereas he might deem the imposition by Bill as compulsory. It was better, in his opinion, to trust to the honour of the Prince; and on this account, as well as others, he preferred the proceeding by Bill rather than Address.

Mr. Stephen was relieved much from any necessity of

giving an answer to the honourable baronet, by the very eloquent and argumentative speech of the hon. gentleman who had just sat down. The precedent of 1788, he could not help observing, had not only been treated not with respect, but even with obloquy and contempt. On this precedent the three estates had acted; they had proceeded precisely as the report now called upon the Committee to act. It was perhaps the only precedent which could be found; and those who were so very ready to condemn it, ought to recollect, that our constitution had not been founded upon any positive, immutable system, but upon a variety of acts; some of them without precedent or imitation, and all of them at different times. It was the practice of the Constitution which made the Constitution. The Constitution was isolated also, and differed much from many other acts which might come under daily consideration. Thus they all knew, that though the Crown was hereditary, the crown of the Constitution which made it so was peculiar and solitary. It was different from all other regulations, with respect to the descent of common property. For instance, if females succeeded, they did not succeed by a coparcenary inheritance as in private life, but by right of primogeniture. Thus, on the decease of Edward, when the two sisters, Mary and Elizabeth, were left in succession, Mary, as eldest sister, ascended the throne. There were many other instances in which single precedents were all on which posterity would have to proceed, and therefore they ought not to be treated contemptuously because they were not numerous. The act of 1788, so far from being less than a precedent, was now something more—it was become a canon of the Constitution—a broad, immutable principle, which, in every subsequent temporary suspension of the Royal functions, devolved upon the two Houses the right of remedying such suspension, and even clearly pointed out the manner of such remedy. That manner was by Bill, and not by Address—it not only established the proceeding by Bill, but it negatived the proceeding by Address. They had an exigency similar to that of 1788: they had the proceeding adopted by Parliament to meet that exigency; and they had the subsequent confirmation of the recovered King. Something had been said with respect to the heat of parties at the time, and the motives by which the three measures were originated. Such remarks did not, in his opinion, deserve an answer; and he would not, therefore,

waste either his own time, or that of the House, in refuting them. The precedent, altogether, indeed, seemed to be considered as an absurdity, a fraud, as little less than high-treason to the Constitution. *(Hear! hear!)* What! would it be said by the admirers of the Revolution, that those who followed the track pointed out by the three estates of the realm were traitors to the Constitution? But, then, say they, abandoning this ground, an Address is more expedient. How? by what means? It was easy to make an assertion; but that assertion could deserve but little credit, unsupported as it was by one single reason. The honourable gentleman who had just sat down had, indeed, said, that the Prince's sense of honour would, no doubt, induce him to attend to the limitations proposed in the Address. That hon. member had, however, himself given the answer to this argument, where he said, and wisely said, that princes ought always to be viewed with suspicion. *(Hear, hear!)* Personal confidence ought indeed never to be made the basis of legislation. But why trust to the voluntary or capricious admission of the restrictions, when they could be made efficient by the mode of Bill? It had been asked, "Would the people bear from the Regent a violation of the conditions of the Address?" If this was meant as an argument, it was easily answered by asking, "Would the people bear that he should violate the limitations of a Bill?" If there was a point of honour in the business, that point of honour made both ways; and the Prince would be just as much bound in one way as another. The hon. Baronet, referring to the period of the Revolution, had said, that it signified little what was done with the great seal; and had ridiculed the idea of any talismanic effect being attached to such an instrument. Certainly no talismanic effect was sought to be attributed to the seal; as a seal—it signified little what became of the instrument—if it was lost, a common silversmith might supply the loss. But the question was, who would authorize the affixing of that seal to any document? The seal, as a seal, had no effect; but who at that time would apply it to its official purpose, viz. the giving currency to the Royal signature? *(Loud cheers from the Opposition side).* The times, however, then and now, were different; and acts might be warranted at present which then would have been unwarrantable. Then, the King had abdicated; now, the throne is full: then, the act would have been the act of the Parliament; now, let the

seal be affixed as they chose, it still must be affixed in the name of the reigning monarch, George the Third. (*Hear! hear!*) A complaint had been made with respect to the delay which had taken place: he was sorry for such a complaint, because the complaint argued a crime; and if any crime existed, it was, not the crime of the minister, but the crime of the House; for the House had acceded to the delay. Far, however, from attributing blame to such conduct, in his opinion, it rather deserved panegyric—it arose indeed out of the very evidence of the physicians, which had been last night so much misrepresented, and which gave every hope of an ultimate recovery. That evidence, declaring as it did, that the King's constitution was sound and unbroken, fully warranted the delay—not only warranted it, but made it so necessary and imperative, that he had little doubt any unworthy eagerness on the part of that House would have been, and most deservedly, reprobated by every voice in the Country. There was one passage in the Report of the physicians which could not fail of giving a melancholy pleasure to all who perused it: it was that in which they unanimously attributed his Majesty's complaint to the affliction of his parental mind at the sufferings of a beloved child. This statement, which attributed so amiable an origin to the disease, carried within itself the consolation of a speedy recovery. When the extrinsic shock by which the system had been violated, died away—when the self-supporting energy of the constitution began to act, as all agreed it now had, then the speed of the re-instatement might be fairly expected to be proportionate to the violence of the attack. "But," said Mr. Stephen, "how amiable is the origin of our present calamity! Who is there that does not sympathise in the feeling by which it has been caused! Who that does not recall the fine description of a living poet, whose images not only fire the imagination, but affect the heart:—

"Some feelings are to mortals given
With less of earth in them than heaven!
If there's a tear—a human tear,
From passion's dross refined and clear—
A tear so gentle and so meek,
It would not stain an angel's cheek,
'Tis that which pious fathers shed
Upon a duteous daughter's head!"—

Oh! if such be the ecstasies of paternal love, what must be the agonies of its sorrow! If such be its enjoyments, how

acute must be its pangs! When I look into the report of the physicians, and see the father's solicitude for his child, the sorrows with which he heard of her suffering—the anxiety with which he watched her struggles—when I see there, for weeks and months, how he vibrated between hope and fear, his compassion praying for her release, while his love besought from Heaven her recovery—I am almost affected even to tears! I think I see the poor old parent tottering to the bed of his afflicted child—weeping over her agonies, watching over her progress—with faultering voice asking for hope in vain—with sad lamentation viewing the last beams of her departing spirit, hearing the last throb of her interrupted respiration, and at length, with feeble hand, receiving the fatal ring—the last token of the premature victim whose most anxious act was the consolation of her aged father's grief, and the justification of his fondness—her life passed in filial love, and shewing

"The ruling passion strong in death"—

When I think upon this scene, and on fifty years adorned by every private virtue and public benefit, I congratulate the House on a delay which has marked the delicacy of our feelings, without impeding the progress of our duty." *(Hear! hear! hear!)*

Mr. C. W. Wynne contended, that the House was not warranted in arguing this subject by a reference to the virtues of his Majesty during a reign of fifty years, on the one hand; nor on the other, by expatiating on the virtues of the Prince of Wales, and the confidence that might well be placed in that illustrious person. They had to decide upon a great constitutional question, and should in debating it consider the situation of a king generally, not of the reigning Sovereign, nor of the present Prince of Wales. He agreed in the principle laid down in the resolution, that it was the right and duty of the two Houses of Parliament to supply the deficiency in the Executive functions; but he was confident that right was sufficiently established by having the resolution voted in 1788, and that it was wholly unnecessary to pass the resolution in this instance: but as the resolution had received the sanction of a committee, he did not think it right to get rid of it now by the previous question, lest that might bring the principle into doubt. He concurred in the two first resolutions, and thought it would be for the convenience of the House to take the debate upon the third resolution. It was unpleasant and

painful to him on this occasion to differ from those he must loved and respected; but he was to decide upon a constitutional question, and could not give up his principles in deference to the highest or most revered authorities. The third resolution rested upon the two preceding resolutions. If the two Houses should at once direct the keeper of the great seal to affix it to a commission for declaring the Royal assent to a Bill, that proceeding would be a nullity; the Bill would not be an Act of Parliament; and no court of justice would be bound to take notice of it. But in this case, the two Houses will have previously declared the incapacity of the Sovereign, and from this would arise their authority to order the King's own seal to be affixed to the Commission. These previous resolutions were the basis of the proceeding of the House, as without such declaration of the fact and of the right, any fabric that may be raised upon the third resolution would not stand the slightest touch. In either course of proceeding, by Bill or by Address, the courts of law would be obliged to take notice of them. He could not, therefore, allow that the proceeding by Bill would be illegal. There was nothing obligatory in the House to proceed by either course more than by the other. It had indeed been argued, that the precedent of 1788 had established a new canon of the Constitution. If the learned gentleman who used that argument, and who sat in that House in consequence of the union with Ireland, had used it previous to the union, it might have had some weight; but at present the gentlemen who represented Ireland had as good a right to refer to the precedent of the Irish Parliament. It had also been said, that the precedent of 1788 had been finally ratified by the King, as the bills which had been introduced during the progress of the Regency Bill had been completed. Not one of those bills, however, had passed either House; and, at all events, that House would not allow either the King or the other House to advert to the progress of any measures it passed, except for the purpose of ascertaining that they had been read three times. Yet, after all, this was but a technical view of the question. The King's speech was always considered the speech of his ministers, approving of their own measures; and in the Commissioners' speech, which had been so much dwelt upon, there was no allusion whatever to any of the bills before the House at the time. As to the argument, that the proceeding by Address was not so expedient as that by Bill, he must con-

tend that the Address, if accepted by the Regent, with its accompanying conditions, would have the force of an act of Parliament. It would be as absurd to think of providing for giving the assent of the King, whom they had already declared incapable, to the Bill of the right hon. gentleman, as it would have been to have provided for giving the assent of James II. to the act declaring his abdication. The functions of the Executive were suspended, and it was the duty of the House to proceed in the plainest way to supply the defect. The argument, that the delay arose from the opposition to the course proposed, amounted to this, that if the House would implicitly agree to all the measures of the right hon. gentleman opposite, they would be sooner completed. The course by Bill was tedious in its process, and necessarily must be attended with delay. The simpler course would be to declare the incapacity, and to provide at once for supplying it by Address. A right hon. gentleman had, on a former night, supposed a case of the Regent being advised to overturn the whole policy of the state; but he would suppose a case not less urgent in rendering the immediate supply of the Executive functions necessary. Suppose the Cabinet had resolved to evacuate Portugal, against the opinion of Lord Wellington; would that General, having the declaration of both Houses as to the incapacity of the King before him, feel bound to obey an order from the earl of Liverpool to withdraw from the Peninsula? Could he, for disobeying it, be punished by any court-martial or civil court? He concurred in the opinion of lord Camden in 1788, that, during the King's incapacity, the functions of the Executive government are suspended. But if there were no other argument in favour of the Address than that, they ought to take care not to usurp the Executive power. The soundest principle of the Constitution was, that which kept the executive and legislative powers distinct. If the House could now provide for giving the Royal assent to a Bill, they might on another occasion, where the same necessity may not exist. He did not mean to say that the Houses of Parliament should decide in this instance from any contemplation of any future evil, which might result from the precedent; but when two courses presented themselves, they ought to adopt that which was plainest and least objectionable. He had a respect for the precedent of 1788, but that had not been acted upon; whereas the precedent of the Revolution had

been tried, and stood the test of time. On all these grounds, he should prefer the mode of proceeding by Address.

Mr. Wilberforce, upon the fullest consideration he could give the question, remained of the same opinion as formerly. He could not but consider it rather strange, that those hon. gentlemen, who were so sanguine in discovering objections to the course recommended by his right honourable friend, should speak of their own plans in general terms, without adverting to any of the objections to which they were liable. For himself, he thought that they had only a choice of difficulties, and that no plan that could be proposed would be free from objections. The House was in this instance transcending the line which ought in ordinary times to bound their proceedings. He would grant that they were substantively about to usurp a part of the Executive power: but the necessity in the present situation of the country, of providing for its safety, obliged them to resort to a course certainly objectionable, and he would add anomalous, if it were not consistent with the course of proceedings adopted in the courts of law in cases concerning the right and security of landed property. But it was contended that they ought to proceed in a clear and simple manner, by appointing a Regent at once in a bold and manly way. If they should take that course, however, the Regent, accepting the Address with conditions, would have no more authority than the two Houses of Parliament would give him. Would such a course satisfy the constitutional line that should bound their proceedings? So far from doing the thing in a manly way, it would be, in truth, at the time they pretended to give the Royal authority, to impose conditions upon the Regent in an irregular manner. He would own, any course would not be free from objections; but in the mode of proceeding proposed by his right honourable friend, they would be treading in the steps of the Constitution. When he considered the acuteness of those gentlemen who recommended the mode of Address, he could not help calling to mind what had taken place on the former case in 1788, though unquestionably the discussion had been hitherto conducted with a very different temper. Yet he could not but bring to mind, that the discussions had on that occasion grown out of a claim of right. It was the more necessary, therefore, though the right was not now claimed, to follow the former precedent, lest a departure from it, in this instance, might lead to an assertion of the right again on

the part of some future Prince of Wales, if the same calamitous incapacity should unfortunately befall a future Sovereign. The value of the precedent was, that it would settle the question; and if they were to depart from it, there was no saying what difficulties and ill consequences might follow. It was of great importance for them to pursue a course which was defined and settled. It was the glory of the Constitution of this country, that they were there debating in bloodless contest those questions which in former times were decided by armies in the field, and deluged the country with blood. The confirmation of the former precedent by adopting it now, would put an end to any future contests. They ought therefore to abstain from opening, on this occasion, a question which in the former instance had been so completely settled upon due deliberation. He did not feel attached to the former precedent on the same grounds as his hon. and learned friend (Mr. Stephen), who, from his legal habits, might be induced to adhere to it as a point solemnly determined, but from a consideration of its tendency to promote the security of the Constitution and the happiness of the people. He thought, that in the course of the debate last night gentlemen had argued too much from the present circumstances of the Royal Family, rather than from the principles which ought to guide the conduct of the House of Commons. It was to the eternal honour of the Prince of Wales, that his Royal Highness, and indeed every member of the Royal Family, seemed by their conduct to consider every thing in this country as the child and creature of the laws; and that whatever his sentiments might be upon the subject, his Royal Highness was waiting with dignity for the decision of the two Houses of Parliament;—a line of conduct, than which nothing could be more constitutional, nor hold out a fairer prospect of what was to be expected under his future government. But however, they ought not to advert to such points; they should act upon great public principles. If they were to adopt any course, which might lead to the re-assertion of the right, there was no knowing into what future dangers it might plunge the country. They must bear in mind, that on this occasion they were legislating for all succeeding generations. It was therefore the more incumbent upon them to settle finally a question, which, if left open, might be attended hereafter with the most alarming consequences. As to the particular restrictions proposed,

he should not think it right to give a hasty opinion, but should reserve what he had to say respecting the subordinate part of the measure, till it should be before the House. If he understood his right honourable friend right, he did not appear to insist upon those subordinate parts, so as to preclude any modification of them, in degree if not in substance. As to what had been said respecting the delay which had taken place, he should only observe, that if a speculating philosopher in another country were contemplating the whole transaction, and that when future historians should record it for posterity, it would be the highest honour to the present times, and the great glory of the British constitution, that the two Houses of Parliament were quietly settling questions, which under other systems of government, and in different times, would have been decided by violence and blood.

Mr. Grattan rose, and remarked that the question might be considered as it affected the Constitution of the country, and as it might influence the situation of public affairs. We beheld that constitution in a manner suspended, and it followed that it was the duty of the estates of the realm to supply what was deficient in it, and to restore it to its former vigour. This, however, he conceived might be done by the representatives of the estates already assembled, and he did not see the necessity of resorting to those conventions which were necessary in proclaiming the principles of primeval government. But the first duty of the estates, consisting of Lords and Commons, evidently was to provide a third, as the only means of giving subsequent colour and force to their proceedings, and of giving to their measures and ordinances a legislative sanction. Their right to do this was supported by the necessity of the case, and by the paramount obligation of preserving the purity and integrity of the constitution. There could be no legislation without a co-operating third estate. When that was provided, they became a complete and perfect Parliament, as illustrated by the period of the Revolution. To the precedent which that event furnished, he directed the attention of the House; for it was a precedent not more obviously distinguished from that of 1788, by the circumstance of the abdication of the reigning Monarch, than by its having been effectual, salutary in its operation, and strengthened in the acquiescence of the people. The Bill of 1788 never had passed both Houses;

and had it been passed, it was impossible to say how the country at large would have regarded it. Yet at that time it was deemed most expedient to adopt the mode of an Address. The exercise of the Executive power might be sometimes entrusted without danger to the ministers of of the Crown acting upon their personal responsibility, but the assumption of the Executive functions by the two Houses was to be defended on no principle. Yet these functions they would usurp, by forging a contrivance to procure the name of the King, as the ground-work of an after-proceeding, which was to provide for the Royal incapacity. Denying the capacity of the Sovereign, they endeavour to supply it by the creation of a fictitious capacity, as necessary to give effect to the means of remedying the the deficiency. The course therefore proposed by ministers was repugnant to the Constitution in two ways, first as it assumed an executive authority on the part of the two Houses, and again as it went to legislate without the Royal assent. A power had been asserted to belong to the Houses, of issuing their commands to the servants and officers of the King. But could they enforce obedience to their orders? Could they, if such happened to be their pleasure, remove the Commander-in-Chief from his office? If not, what what was the value of their executive functions? If their legislative powers were examined, he apprehended they would be found equally ineffective. If they taxed the subject, and payment was refused, could the contumacy of this refusal be legally punished, or would open resistance incur the penalties of the law? The distinction which had been made between the political and personal capacity of the Monarch, required to be made and dwelt on with the greatest caution. At that unhappy period of our history when the people armed, under the auspices of the Parliament, against the Crown, it was stated in a remonstrance drawn up, while the hostile parties were confronted in the field, that, although the person of the King was among the ranks of their adversaries, they, the Parliament, were fighting for the Monarchy, and defending the political capacity of the King. This circumstance he merely mentioned to prove with what delicacy this very nice distinction must be treated. The honourable gentleman concluded with a few observations on the impolicy of imposing any restrictions on the Regent, whose deep interest in the welfare of the monarchy was a sufficient security against distrust or suspicion.

Mr. Yorke said, that the question before the House was nothing more than whether the best mode of supplying the defect in the Royal Authority was by Bill or by an Address. The arguments which he had heard, defining the duties and powers of that House, were just, but would not apply to a case of urgent necessity. They were now deliberating what ought to be done to provide for the calamity that had fallen upon the nation. There was little or no resemblance between the circumstances that attended the Revolution and those of the present emergency. The throne was then vacant, now it is full; we have a King labouring under temporary incapacity, but at that time a King was wanted. Mr. Y. begged leave to correct the expression of the honourable gentleman, as to the creation of a third estate; but he believed he mistook the honourable gentleman's meaning. Precedents, he thought, were always to be followed, except when the times furnished some striking peculiarities of contrast. He would not look to the letter of the law on such an occasion, but would trace out the spirit of the Constitution in the records and proceedings of Parliament. In the space of twenty-two years, which had elapsed since 1788, the precedent established at that time had remained uncontroverted. It had not been contradicted or rescinded. But it did not stand upon its own single authority, it was founded on the two periods in the reign of Henry the Sixth; both of which appeared to him to be strictly in point. If, as that time, it should again happen that the Crown devolved on an infant, and the infant was not placed by any expression of the will of the deceased Sovereign in any particular guardianship, would not the course which was then pursued be again adopted? Would any difficulties be then interposed to putting the great seal to a Commission? Would not this be an act which it would be imperative on the Privy Council to perform? The difference between incapacity arising from infancy or indisposition was immaterial; but a case of indisposition occurred also, when the same power was used in the same manner. This was previous to the civil war, which had not then commenced, as was proved, by the courts of justice sitting uninterrupted. He could not, therefore, perceive the force of those objections which had been raised against the supposed assumption of an unconstitutional power.

Sir John Newport observed, that the right honourable gentleman had well remarked, that precedents, to be in

point, should be applicable to times and circumstances. He was surprised that an honourable gentleman (Mr. Stephen) who had condescended to represent an Irish borough, should have overlooked, in his predilection for the precedent of 1788-9, the conduct of the Irish now forming part of the Imperial Parliament. But was the year 1788 to be assimilated to the present period? The country was then at peace. France, instead of having extended her empire over the whole of Europe, was then under singular embarrassments; and Ireland, which was then tranquil, was now far from being so. The country was then slightly burdened, it was now bending under the weight of taxation. The King was then younger, with the prospect of recovering perfect health; his infirmities are now well known; he was not then in a state in which knowledge was *at one entrance quite shut out*. The conduct of the Irish parliament was not merely more delicate, it was more simple, it avoided all fiction and fallacy, and prevented all unnecessary delay. If ever there was a moment, however, when delay was to be guarded against as pregnant with the most serious dangers, the present was that moment. In what situation did we stand with respect to Sweden? Had not that power declared war against us, and had we resorted to any measures in consequence? Was it not true that a Swedish ship which had been detained had been released since the declaration of war against us? What, too, was the state of our relations with America? We are in continual hostility with her; and to the rash and ill-advised counsels of Ministers was it owing, that to avoid an open rupture we must compulsorily yield those concessions which ought to have been made long ago. Our merchants, who had been deluded by the measures and promises of the right hon. gentleman, he believed had since seen ample cause for regretting their infatuation.

Upon the subject of the precedents in the reign of Henry the Sixth, the right hon. gentleman (Mr. Yorke) had observed that no civil war existed at the second of those periods, as was shewn by the sitting of the courts of justice. He could inform the right hon. gentlemnn that the courts sat in Ireland during the most alarming periods of rebellion, and that the judges even went on the usual circuits.

The security of the people was the great trust reposed in the House of Commons; their Sovereign therefore was to be regarded politically and not personally, and there had

been a time when the introduction of the King's name for the purpose of influencing the decisions of the House would have been pronounced highly irregular. He venerated his Sovereign, and denied that ministers possessed the exclusive loyalty of the nation. If there were men in the country, whose object it was to subvert the Kingly office, it was impossible that they should not hail the arguments that had been employed by ministers. The course of proceeding now recommended would serve to afford a practical illustration of such doctrines. The honourable gentleman (Mr. Stephen) had said that the method of Address would be equally tedious, and that fifteen days had been consumed by the Irish Parliament in 1788. He would set that honourable gentleman right, who, although an Irish representative, did not appear to be very well informed in Irish history. Including a recess of four days only, nine intervened between the message from the Lord Lieutenant, and the adoption of the Address to the Prince. *Seven weeks* have now passed away, and the nation bleeding at every pore, while no single step had yet been taken. His hon. friend (Mr. Wynne) had argued, that the House was competent to adopt either proceeding. Admitting this, then the question became one of expediency, and that which was the most expeditious was the most advisable. He believed his Royal Highness could do more to assuage the irritation and conciliate the affections of Ireland than any man that lived. He reigned already in the hearts of the Irish, who looked up to him as likely to afford them that protection which they had hitherto enjoyed in a less degree than any other description of his Majesty's subjects.

Mr. Elliot, in a neat speech, objected to the application of precedents drawn from the turbulent periods of our history, in the obscurity of the Constitution, and the imperfection of our laws. He considered the fiction of counterfeiting the King's assent to be a monstrous proceeding, repugnant to the Constitution, and to every analogy. He asked, if the chancellor should refuse to affix the great seal, in conformity to the directions of the two Houses, what power they had of punishing him, or of remedying the difficulty? The second resolution he thought superfluous, and should therefore support the previous question upon it.

Mr. Hiley Addington adverted to what had fallen from an honourable baronet (Sir John Newport). That honour-

able baronet, in speaking of the precedent of 1788, had stated, that we are now in a state of war, and that we were then in profound peace. This was the very reason why he wished to follow the precedent of 1788. A precedent of that nature was not for one time or another, but all times; we do not legislate alone for the present time, but for posterity. The honourable baronet too adverted, in terms by no means becoming, to the age of our Sovereign. He said, we were to recollect that he was now twenty-two years older. He is twenty-two years older; and if he is so, he has given the honourable baronet and himself additional reasons to bless his mild and paternal reign. With respect to what was stated as to the fitness of the Prince of Wales for Regent; he certainly believed him to be most fit for the office, and he believed him to be fit for it twenty-two years ago. An honourable member (Mr. W. Elliot) had said, he was not in this House in 1788; but that, from all that he could learn of the proceedings of that period, they then met with his disapprobation, and they now met equally with his disapprobation. He would tell that honourable member, that he (Mr. Addington) was then a member of this House; and he was then most strongly impressed with the wisdom of the then proceedings, and with admiration of the men who directed them. The precedent of that period was a most valuable one; and great as was the calamity which gave rise to it, we were not the less to see the great advantages which accrued from such a precedent to the country. The precedent of the Revolution had no analogy to the present exigency; and when he said this, he was glad he could rest it on the authority of a great and brilliant statesman, now no more. That statesman was Mr. Fox. He had heard him, in 1788, state expressly what he now himself stated, that there was no analogy between the Revolution and the period of 1788; and of course there could be no analogy between the Revolution and the present period. With respect to limitations of the Regency, there was not one solitary instance in the annals of Great Britain, of a Regent's having been appointed without limitations. The Regent has always been saddled with a permanent council. The permanency of such a council secures a perpetual opposition; and it is therefore a perpetual limitation. He wished to recall to the attention of the House two points. The first, that all we have now to do is to provide for a temporary occasion. The second,

that we are appointing a deputy, and nothing more—a trustee—a delegate—or whatever other name may be affixed to the idea. He heartily concurred in committing that trust to his Royal Highness; but at the same time he wished it to be committed to him with limitations. This was no jealousy. If we limit the Prince, we act on public principles—we act for the benefit of posterity.

Lord Porchester stated that it was now not his intention to say a word on the second resolution; but as it had been brought forward, he would take this occasion of stating his sentiments on it. To that Resolution, in substance, he gave his most cordial assent. He believed both Houses qualified to supply any deficiency in the Executive power; for if such a principle did not exist in the Constitution, the whole system would perish. An honourable baronet (Sir F. Burdett) had asked us on this subject, why we did not appeal to our constituents? Why did we not appeal to corporate bodies? Are we to apply to corporate bodies, who tell us, at times, that we are not the legal House of Commons of the land? Why are we not to exercise that right as a convention, and in one substantive act, emanating from ourselves, proceed to fill up the deficiency? This is to proceed to an act entirely our own. But if we proceed by ourselves to affix the Seal to any act, we shall soon begin to consider all the other acts of the Executive in the same light. We have been told that there is no magic in a seal; true, but one proceeding paves the way to another, and no man can foresee where all this will terminate. We have been forced to look to the precedent of the Revolution. That is the precedent to which the King owes his throne—the precedent to which the people owe their liberties. After a variety of other observations, he concluded by voting in favour of the Address.

Mr. Lockhart spoke in favour of the Bill.

The Chancellor of the Exchequer, in a speech of considerable length, replied to the leading arguments opposed to the resolutions, in the course of the last and present night's debate. He admitted, as he had repeatedly done before, that the House was placed between two alternatives equally difficult; but he contended there was no objection offered by the other side of the House to the measure of proceeding by Bill, that did not equally apply to the alternative proposed by themselves, of proceeding by Address. Parliament had no legal authority in the one case more than

in the other, except what merely grew out of, and was authorised by imperious necessity. If the House proceeded by Bill, they would at least have the sanction of parliamentary form, which they would not have in case of Address, and even if they proceeded by Address in the first instance, the aid of Parliament would afterwards be necessary to sanction and regulate the appointment of the Regent. In proceeding by Bill, the measure would have all the advantage of deliberation and constitutional formality, by undergoing the solemn deliberation of both Houses of Parliament: whereas the proceeding by Address, with all the disadvantages of being ineffectual without a subsequent act of Parliament, would have all the appearance of precipitancy in the first instance. The precedent of the proceeding in the Irish Parliament in 1788-9 had been quoted, and warmly recommended for adoption; and he had been accused of treating that precedent with contempt. He utterly denied the truth of such an imputation: but he hoped he exerted no improper privilege in preferring the example of the British Parliament at the same period, because it appeared to him to have been adopted upon fuller information and more competent evidence. He and his colleagues had been unfairly accused of delay, for sinister purposes, in the measure of providing for the present exigency. Whatever delay had been interposed, proceeded from no other motive than the strong hopes, founded in former experience, that his Majesty's recovery would be so speedy and complete, as to preclude the necessity of appointing a Regent. He had acted upon open and avowed grounds; collecting the sense of Parliament from their conduct in 1801 and 1804, at both which periods his Majesty was afflicted with a similar malady, without that circumstance appearing to excite any wish in Parliament for the appointment of a Regent. He always conceived that the House were strongly averse, except upon the most imperious necessity, to agitate a measure, the effect of which must be to suspend the authority of the Crown. So soon, however, as he was convinced of the necessity to appoint a Regency, he did not hesitate a moment to urge it, and to take such measures as depended on him to produce its adoption. Amongst the principal accusations brought against him upon the ground of this supposed delay was, that he had thereby paralyzed all the functions of Government, civil and military, abroad and at home; and that pending the incapacity of the King,

and the non-appointment of a Regent to supply his place, no troops could be sent to Portugal, nor elsewhere, nor withdrawn from any foreign station. No commander, it was urged, could be appointed or superseded—that Lord Wellington, or any other general, so soon as informed of the resolution of the House of Commons respecting the King's incapacity, might refuse to obey the orders of the King's ministers, executing the government—that no Commission could be issued for holding a court-martial, or for criminal trials—that no money could be issued from the treasury—nor any one transaction executed in the business of government, without orders under the Royal sign manual, which, during his Majesty's incapacity, could not be obtained. But could any hon gentleman on the other side of the House really suppose him and his colleagues such fools, in the important situations they held, as, under such exigency, to hesitate in giving orders to the officer who usually countersigned the orders under the Royal signature, to affix *that* signature to such orders as required it, taking upon themselves the responsibility for such acts? Did they suppose that he himself, in the department he had the honour to fill, would sooner risk a mutiny in the army or navy, than use the King's name to order an issue of money from the Exchequer to pay them, merely to screen himself from responsibility? Did they imagine that the officers of the Exchequer would refuse to obey such orders under his responsibility, although they knew the Royal signature was not really affixed? He was confident they would no more refuse to comply with such orders, than the officers of the Customs would refuse to obey the orders of the Treasury. For his own part, he should think himself bound by the severest responsibility, not to risk a serious injury to the public service by declining an act, for which he should not hesitate to look for indemnity to the justice and liberality of Parliament, when he should appear to have acted under the pressure of public exigency. Again, he would ask, was there the slightest probability that Lord Wellington, or any other general officer commanding his Majesty's armies, would, even under a knowledge or the declared incapacity of the Sovereign, refuse to obey the orders transmitted to him by Government, upon his own mere judgment and responsibility? No man could for a moment rationally suppose such an event probable. In fact, all those cases suggested by gentlemen on the other side of the House were purely imaginary, and utterly unfounded in probability. He considered himself

as doubly responsible under existing circumstances. The public money was voted by Parliament, and appropriated to particular purposes; and if he failed to apply it to those purposes, he should be justly liable to crimination for a failure in his duty, and all the consequences of that failure. In the just discharge of that duty, he should not hesitate to direct such public acts falling within his department as the public service required; still, however, under the fullest responsibility to Parliament hereafter for such conduct, and with the fullest reliance on its justice for indemnity, even when he and his colleagues should no longer hold their stations, and when the deliberations of the House might be swayed by a very different influence; and if his conduct should not appear to deserve indemnity, he should bow with the profoundest deference to the sense of Parliament, whatever might be its decision.

Mr. Elliot and *Mr. Wynne* explained.

Mr. Whitbread, in a speech replete with point and animation, commented upon the expressions, able, bold, and unprecedented, which the Chancellor of the Exchequer had that night made to the country. Would to God that every member of parliament from England, Ireland, and Scotland could have heard it—could have heard a minister of the Crown, in the face of Parliament, proclaim his possession of the Royal attributes, and boldy triumph in his usurpation (*Hear! hear!*)—Would Mr. Pitt, in the plenitude of his power, have ventured on such a course?—Would he have dared to tell a British House of Commons, that in any interruption of the functions of the Sovereign, the rights of the King descend to the servant? He would not; and shall it be endured that the Chancellor of the Exchequer of this day shall invest himself with powers subversive of every constitutional principle?—that he shall assume to himself the controul over the public purse, apply the public money when and how he shall think proper, and, upon a pretended responsibility, trample upon that Throne which he is sworn to support, which by his very actions he is now crumbling into dust! (*Hear! hear! hear!*) If he can establish that there existed a full and unavoidable necessity even for this course, though my political adversary, (said Mr. Whitbread) I trust that I have justice and magnanimity enough in my nature to give my sanction to an appeal for his indemnity. But when he talks in the arrogant and assuming tone of this night, I tell him that when that day of inquiry comes, and come it must, his tone on

this right will compel me to view his conduct with a most scrutinizing eye. The courage of the Cabinet, as it seems on this night to be more fully exhibited, appears also much concentrated. Perhaps to temper the temerity of the right honourable gentleman, the counterpoise is to be had amongst his colleagues, and that, even in his administration, there may be found one individual, who would not venture without the advice of his Sovereign to put the great seal to any public document. But we are told that subordinate officers in the Exchequer and other branches of the state could not refuse the unauthorised mandate of the Treasury. The right honourable gentleman may "call spirits from the vasty deep, but will they come?" Have these officers no positive duties to discharge? Have they no oaths of office to restrict them? Are their consciences in possession, or at the controul of the Chancellor of the Exchequer? Let me advise him not to be too presumptuous. He may find himself deceived. This great minister, who has led us to commercial prosperity and military renown, may, however, possibly find, from the splendour of his career, willing instruments in every department to uphold the power he has wantonly usurped. From the repeated impunity which every violation of our interests have met, we have become so familiar with outrage, that very possibly the minister of the day may be able to effect that which, if Mr. Pitt, with a whole nation at his back, had done, in 1788, he would not be allowed to continue in the direction of our affairs one day longer. One word as to the charge made against me, of having asked an indelicate question respecting the persons by whose advice certain physicians were called to attend his Majesty? He has, let it be recollected, made the charge, and forced me to the necessity of the explanation. What if it should turn out, notwithstanding all this affected regard for private feelings—all that sympathy for human infirmity of which we hear so much—that, putting the case hypothetically, an unhappy patient stretched upon his bed of affliction, with his remaining faculties alive to the fear of being committed to the care of an individual personally obnoxious to him, should most fervently implore, and that his afflicted family, placed around his bed, should all unite in the supplication of not again subjecting him to such care? What, I ask, must be the feelings of those who could refuse such a request? and was it not more natural to suppose that the malady of the

patient was more likely to be increased than alleviated by the presence? Mr. Whitbread, after a variety of other observations, concluded with assuring the House of his intention, even in the case of his Majesty's speedy recovery, to provide the means of guarding against the difficulties which may arise from a relapse, and of saving the public interests from being again impaired by the vile fraud which had been for the last seven weeks practised upon the country.

Mr. Adam animadverted, with considerable force on the dangerous consequences to be apprehended from a system of prospective responsibility. The mode of claiming indemnity did not apply to a case of novel, unexpected, and extraordinary occurrence, but a case foreseen, in which the act was premeditated; if this system was to be avowed and tolerated, the first act of the legislature, the moment Parliament was restored, ought to be, to appoint a *succedaneum* for the Executive in the event of the King at any future time being afflicted by the same calamity. This prospective sort of responsibility was unknown to the Constitution, and liable to the greatest abuses—no such power ought to be heard of as might be claimed under such a system. The evidence of Dr. Willis had been alluded to; what did that evidence state? That on the 6th of November, the day on which Dr. Willis first saw the King, his Majesty was then unconscious of surrounding objects. It was on the first of the same month, and on the 15th, that the right honourable gentleman prevailed on the House to adjourn over each time a fortnight, on the high probability of his Majesty's speedy recovery. Thus a month had been lost. But if these prospective responsibilities were to be admitted, what would be the use of those checks which the Constitution had ordained should exist? Where would be the necessity at all of the Sign Manual? Bold as was the doctrine of the right honourable gentleman, it was yet worthy of observation, that whether from a difference of strength as to nerves or as to prudence, there were others in the same Cabinet with that right honourable gentleman, who were not so forward to hazard such responsibility. He knew of his own knowledge, that the Chancellor of England would not put his seal to a commission of the peace. He admitted the question to be a question of difficulty, a question of necessity, in both cases; whether of Bill or Address, Parliament acts and Parliament only acts, with this difference, that in the one it acted without interfering with the

functions of the Crown, in the other it exercised those functions.

The Chancellor of the Exchequer hoped that he would be allowed to make some explanation in consequence of what had fallen from an honourable member, (Mr. Whitbread). That honourable gentleman had, however, expressed himself to be perfectly ready to grant him an indemnity for acts of absolute necessity; and all that he had said with respect to others, was, that he thought, during the delay which was unavoidable, all those who held offices should discharge their duty to the utmost, upon their own responsibility. The honourable gentleman had charged him with assuming a bold and arrogant tone. He, to be sure, was a bad judge of his own defects; but as far as he knew himself, he did not believe that improper boldness or arrogance belonged to his character. Whether it did or not, he left it to the House to judge. *(Loud cries of hear! hear!)* It might happen that sometimes in the warmth of debate, and in the eagerness to make himself perfectly heard and understood, he might raise his voice a little louder than was absolutely necessary, to convey his sentiments to all parts of the House: but if this was to be conceived a proof of arrogance, the honourable gentleman himself would hardly escape the imputation; for he, also, sometimes elevated his voice to a higher pitch than appeared absolutely necessary. An honourable gentleman (Mr. Adam) had said, that to his knowledge, the Chancellor of England would not now put his seal to a commission of the peace. This could easily be accounted for: there was always a commission of the peace existing, and it was not of great consequence whether one, two, or more names were added. But if there was a serious occasion for putting the great seal, such as the suppression of a mutiny, he was much mistaken in his noble and learned friend, if he would hesitate a single moment to affix the seal on his own responsibility.

Mr. Whitbread acknowledged, that, among his many defects, his voice was sometimes louder than, perhaps, was necessary. There were many things in which he would wish to rival the right honourable gentleman. He would wish to rival him in his acuteness, but above all things in his rapid transitions from the greatest warmth of debate to the greatest degree of good humour. If he spoke of arrogance, he certainly did not mean personal arrogance, but that degree of political arrogance which made him now pledge

his responsibility so deeply. Under this responsibility ministers might take advantage of a mental malady in the King, to usurp all the powers of the state.

The House divided on the second resolution,

Ayes . 98 | Noes . 15

When strangers were excluded, we understand the third resolution was carried, and the House adjourned till to-morrow.

HOUSE OF LORDS.

THURSDAY, DECEMBER 27.

The House met a few minutes before four o'clock, and proceeded to business about a quarter past five.

THE KING'S ILLNESS.

The Earl of Carlisle, before the commencement of the business of the night, wished to draw their Lordships' attention to a subject, which he considered of very great importance both to that House and to the Country. He alluded to a paper which he held in his hand, containing the Examination of the Physicians attending his Majesty, before a Committee of that House; and what he wished to draw their Lordships attention to, was the difference which appeared between the evidence of the physicians, and the bulletins of the days to which that evidence referred. Their Lordships, actuated by motives the most amiable, had for some time delayed the performance of that great public duty which they owed to the country in the present melancholy exigency, and they had done so under the impression of those cheerful hopes which were held out by his Majesty's ministers, of his Majesty's timely recovery. He deeply regretted that so many weeks had passed away without any step being taken, and that they were now only beginning to lay the foundation, when, if they had not been led away by what now appeared to have been delusive hopes, the walls might have been nearly or completely raised, and nothing now have remained to do but to put on the roof. He was willing to believe that his Majesty's ministers had been under the same delusion as the public; that they themselves had been deceived by the reports of the physicians, and were unacquainted with the real state of his Majesty. He

could not otherwise believe that they would have ventured to state to the House, on the 15th of November, those cheerful hopes and confident expectations of his Majesty's timely recovery, which they did, and under the influence of which the House agreed again to adjourn, instead of proceeding to execute that great public duty which had devolved upon them, and to commence the performance of which would have been evidently immediately necessary, had the real state of his Majesty been known. He was induced to make these observations, from reading the evidence of Dr. Willis before their Lordships' Committee. Dr. Willis, speaking of the state of his Majesty on the 6th of November, and on being asked, whether the paroxysm that had taken place was severe? answered—"Extremely severe; his Majesty's life was in great peril."

Dr. Heberden, also in his evidence, relative to the state of his Majesty at that time, on being asked; "Did you consider the symptoms of that paroxysm as being severe?" answered—"They appeared so severe as to give his Majesty's Physicians apprehensions for his life."

Dr. Sir Henry Halford likewise, in speaking of the same period, said—"I thought his Majesty's life was in some peril."

Such was the evidence of the physicians; and what were the bulletins which at that period were issued for the information of the public? Those of the 6th, 7th, and 8th, were as follows:—

"Windsor Castle, Nov. 6. 1810.

"His Majesty has passed the night with very little sleep, and is not better this morning."

"Nov. 6. 1810, 8 o'clock, P. M.

"His Majesty has had some sleep, and has appeared a little better throughout this day.

"Nov. 7, 1810.

"His Majesty had more sleep last night, and continues fully as well as in any part of yesterday."

"Nov. 7. 1810, 8 o'clock, P. M.

"His Majesty is much the same as he was in the morning."

"Nov. 8, 1810.

"His Majesty has had a little sleep, and continues nearly in the same state as yesterday."

"Nov. 8, 1810, 8 o'clock, P. M.

"His Majesty has had a considerable degree of fever in the course of this day, but has slept since six o'clock, and is now asleep."

Either the bulletins were issued for the real information of the public, or they were of no use, and only tended to

mislead and delude. It was not his intention to make any motion upon this subject, and he apologized for taking up so much of their lordships' time, but he thought it a matter of too great importance to be passed over. It was due, he thought, to the physicians, who were men of character and honour, and who were deservedly high in estimation for their skill in medicine, that some measure should be adopted. He would suggest the propriety of a re-examination of the physicians, in order that they might render clear that which at present certainly appeared contradictory. He merely threw out this suggestion for the consideration of their lordships.

The Earl of Liverpool declined to enter into the subject at present, as the noble earl had not made any motion, and as the important business which stood for the order of the day pressed for consideration. He should only observe, that when the time came he should be prepared to justify what had been said by him or other noble lords upon the subject to which the noble earl had alluded. He should now move, "that the House resolve itself into a Committee on the State of the Nation."

STATE OF THE NATION—REGENCY.

The House having resolved itself into a Committee on the State of the Nation, the Report of the Committee appointed to examine his Majesty's physicians, was, on the motion of the earl of Liverpool, read *pro forma*. The resolutions communicated from the Commons were also read at length, and the first resolution was again read.

The Earl of Liverpool: My lords, in rising to move the first resolution, it is also my intention to state the course which it is intended to pursue upon the present melancholy emergency. I am sure it is impossible for me to do justice to those feelings, by which all your lordships are influenced in proceeding to the discharge of the painful duty imposed upon us by the calamity which has befallen a monarch, under whose long and happy reign so many blessings have been realized, and during which a greater degree of happiness and internal tranquillity have been experienced, than were ever felt during a similar period by any country in the world. It is impossible for me adequately to express those painful sensations which I feel, in proceeding to discharge that melancholy duty which has arisen out of the great calamity that we all deplore. The noble earl has charged

us with unnecessary delay, and the same charge has been made by other noble lords upon former nights of debate; but I am perfectly prepared to justify myself and my colleagues upon that head, and to contend that we should not have done our duty, if we had not delayed for a reasonable time the taking any step to supply the defect in the personal exercise of the Royal authority, in the hope that any measure of that kind would be rendered unnecessary by the recovery of his Majesty. When it is considered, that nearly two centuries and a half have elapsed since the establishment of a Regency in consequence of the incapacity of the reigning monarch, it must be evident that in setting about a measure of this importance, the difficulties are great difficulties, arising out of a variety of circumstances, which must be attended to in the consideration of so important a question. In discussing the great questions now before us, it is my wish to avoid every extraneous consideration, and likewise all those considerations, which, although, they may hereafter grow out of the subject, are not now necessarily included in it, confining myself strictly to the discussion of those great principles upon which must be founded the measure that is now the object of our contemplation. The first principle to which I wish to draw your lordships' attention, is that the Throne is full, and that the political capacity of the King remains entire. This is an essential principle derived from the very Constitution of the monarchy, and without which the most dangerous consequences might ensue. The fact that the personal exercise of the Royal authority is interrupted, is one upon which, unfortunately, no difference of opinion can arise, and it is also evident that some measure must be taken to supply that defect. The next principle to which I wish to advert is, that there is no established succession to the Regency. I am aware that it is the opinion of some persons that it would be wise to make some provision for the establishment or succession of a Regency, in the event of the personal incapacity of the reigning monarch; but to make a prospective enactment of this kind has always been found a question of so much danger and difficulty that our ancestors have thought it most expedient to abstain from adopting any such measure. They thought it wiser to leave the special emergency of the case to be provided for by a special provision, dictated by the necessity of the time, and lasting no longer than that necessity existed. There are many circumstances indeed, arising out of the various cases

of the infancy, the sickness, or the infirmity arising from sickness, or from age in the Sovereign, which in my opinion, render it a much wiser course to leave the emergency to be specially provided for, under the particular considerations arising out of the particular case, than to enact any prospective measure. It is, indeed, a principle essentially interwoven with monarchy, that while the throne is filled, and the political capacity of the King remains entire, there should be no succession to the exercise of his authority. And not only is it so in this country, but in other monarchical countries this principle is also acted upon; and we find even that the Heir Apparent, or the Heir Presumptive, have not been called upon to take the Regency in the event of the personal incapacity of the monarch, and that in some monarchial countries the Heir Apparent is the last person looked to for the purpose of taking upon him a Regency. We find in some countries that the Regency is conferred upon individuals having no right of succession whatever to the Throne; and that in countries where the Salique Law prevails, females who are excluded by that law from succeeding to the Throne, have notwithstanding been appointed to the Regency. We find also precedents of the same kind in this country, subsequent to the succession of the House of Hanover to the Throne. In the Regency Bill of the 25th George II. although failing the issue of Frederic Prince of Wales, the Duke of Cumberland was the Heir Presumptive; and although the Duke of Cumberland was extremely popular, and was likewise fit (it is now matter of history, and therefore may be mentioned), it is well known the favourite son of George the Second, yet by that Bill, in the event of the death of the King during the minority of his successor, the Princess Dowager of Wales was appointed Regent. By the Regency Bill also of the 5th of his present Majesty, giving his Majesty the power of appointing by will a regent during the minority of his successor, the Queen and the Princess of Wales were expressly chosen. I come now, my Lords, to the third principle to which I wish to call your lordships' attention, that no individual has any right to the Regency except through Parliament. The precedents in our history uniformly support this doctrine, and prove that when, from the personal incapacity of the King, a regency was rendered necessary, Parliament was invariably considered the power from whence the right to the Regency was to be derived. Thus we find that when, on the succession of

Henry the Sixth, to the Crown, who was an infant, the Duke of Gloucester claimed the Regency, the Parliament searched for precedents, and, after a full consideration of the question, decided that he had no right to it except through them, and they appointed him Regent under certain restrictions. The precedents in our history are uniformly of this description, with the exception of the case of the Duke of York, in the reign of Henry the Sixth, who acted with a view to his claim upon the Throne, and that of Richard the Third. It may be said that these precedents are drawn from times of violence; but let it be recollected, that during the period from the reign of Henry III. to that of Henry VI. were established all those great principles which form the foundation of our Constitution, and that though, in the unfortunate reigns of the Stuarts, the eminent lawyers of those days asserted those doctrines of the Constitution which ultimately led to the Revolution of 1688, yet they were drawn from, and founded upon those principles which had been established during the period to which I have alluded. To the period of 1788 I need scarcely allude, as the claim of right was then hastily made, and as hastily abandoned. The fourth principle to which I wish to call your lordships' attention is, that whenever a Regent has been appointed, it has been under certain restrictions. Thus, then, the precedents in our history tend uniformly to prove that no individual has a claim to the Regency, except through Parliament; and that the Regency, when appointed, has been accompanied by restrictions. I come now, my lords, to the mode by which it is proposed to constitute the Regency. All are agreed that the individual to be constituted Regent ought to be the Prince of Wales. The two modes proposed are by Bill and by Address. I have before stated that by Bill to be the most proper and constitutional mode, and, I must add, the only mode by which the desired object can be effected. The office of Regent is unknown to the law. For the courts below to take notice of the appointment of a Regent, there must be some record of his appointment which those courts can legally recognize. An Address would be only a record of Parliament, but would not be a record which the courts below could recognize. An Address may request the exercise of powers already legally vested; but how can the Prince of Wales, in consequence of an Address, exercise powers which are not legally vested in him? A legislative measure, with the great seal attached to it, must

be recognized by the courts below, and will necessarily confer all those powers which it is wished to vest in the Regent. The two Houses of Parliament must act in this instance from the necessity of the case, in directing the great seal to be affixed to a Commission for giving the Royal assent to such a legislative measure. By that, alone, can it be recognized in the courts below. The great seal may be illegally affixed to an instrument, but such an act can only be questioned in Parliament; the courts below must recognize the instrument; there can be no averment there against the great seal—

Earl Stanhope spoke to order, stating, that the noble earl was mistaken. His lordship was about to quote an act of parliament, when

The Earl of Harrowby spoke to order, observing that the noble earl had no right to call his noble friend, unless he had transgressed the order of the House.

The Earl of Liverpool—My Lords, I am aware of the act which the noble earl was about to quote; but I contend that it bears quite a different construction to that which the noble earl puts upon it. I must again contend that there can be no averment against the great seal in the courts below, and that an instrument with the great seal affixed must there be recognized. (His lordship read a passage from a speech of the late Earl Camden in 1788 in support of his own argument, to shew the power of the great seal). With respect to the Act of the 1st of Philip and Mary for reversing an attainder, which the noble earl was about to quote, it rather strengthens than weakens my argument. An Act of Attainder was passed at the close of the reign of Henry VIIIth, and in consequence of the illness of that monarch, the Royal assent was not regularly given to it, although the great seal was affixed to the commission for giving the Royal assent; yet this Act having the great seal, was recognized in the courts below during the whole reign of Edward VIth, a period of six or seven years, and was then only questioned in Parliament, and set aside the 1st of Philip and Mary. The precedent of 1688, which has been formerly alluded to, does not apply in the present case. Now the throne is full, the courts of justice in authority, and the commissions issued in the King's name in full force. At the period of 1688, the throne was vacant, the King had left the country, taking with him the great seal (a clear proof of the efficacy which he conceived

to attach to the great seal), the courts of justice were shut, and the commissions issued in the King's name were vacated. The Parliament had no legal means of calling into exercise any legal power, and the only means they had left to restore the Constitution was by addressing the Prince whom they called to the Throne, to take him upon him the Royal authority. The other precedent which was on a former evening quoted, is that of the Irish Parliament in 1788; but let it be recollected that although the two Houses of the Irish Parliament agreed to address the Prince of Wales, the noble Marquis (Buckingham) who was then at the head of the government of Ireland, and whom I regret I do not now see in his place, to his immortal credit, refused to give that measure his sanction, and thus it never received the sanction of the King's representative. It is remarkable also, that in 1799 and 1800, when the Union with Ireland was under consideration, one of the arguments for the Union, and that which the opponents of that measure allowed had the greatest force, and that it did render some arrangement necessary, was that very difference of opinion in 1788 with the Parliament here, and the danger which was thereby incurred of a separation between the two countries.—(His lordship then stated the circumstances which took place when Parliament met in 1788.) —It is known that on the 3d of February, 1789, the Parliament was opened by a commission, to which the great seal had been affixed by order of the two Houses. The Lord Chancellor then stated, that Parliament was assembled for the purpose of taking measures to supply the defect in the Royal authority, occasioned by his Majesty's indisposition. Before the end of February his Majesty recovered, and on the 10th of March a commission was issued, signed by his Majesty, and the same Commissioners sat; the commission referred to the former commission of the 3d of February, and the Lord Chancellor, in his Majesty's name, declared the further causes for holding the said Parliament.

The same Parliament was thus re-assembled by the same authority, and the great precedent to which I have alluded received its final sanction. But, my Lords, important as this circumstance is, there are others equally forcible and impressive, to which I must beg leave to direct your attention. Many private bills had been introduced, and many petitions received in the interval between the appointment

of a commission by Parliament, on the 3d of February, 1789, and the re-appointment of the same commission, by virtue of the King's sign manual, on the 10th of the following month. Those bills and petitions had passed through different stages; yet it was not thought necessary to renew them, and introduce them a second time, now that Parliament was assembled under the usual forms; and they were accordingly carried on, and the bills that passed under these circumstances afterwards received the Royal assent. If the legality of these acts should now be questioned, private property to a very considerable amount must be affected.

My Lords, with respect to those proceedings which it may be deemed expedient to adopt in supplying the deficiencies of the Executive Government, whatever differences of opinion may prevail on that subject, I feel the strong necessity of keeping them totally distinct from that grand constitutional principle, which I have shewn has been already solemnly established, which is connected with the best interests of the Throne and of the Country, and essential to the rights and liberties of the nation. The doctrine which I have maintained this night has been recognized, not only at several antecedent periods of our history, but most clearly and decidedly by the precedent of 1789. Founded in justice and reason, it stands supported by the voice of Parliament—it appears arrayed in all the gravity and authority which the most venerable of our institutions can bestow—confirmed and sanctioned by bodies, comprehending all that is sacred in religion, illustrious in birth, and eminent in character and talent—and finally, it is ratified by the approbation of the third branch of the legislature, whose absence it was intended to supply. I am, therefore, naturally anxious that this great precedent should be placed in its true light, that it should be regarded not as a single example, but as forming another great link in a chain of instances, all tending to uphold the same principles. And it is obvious that, whether the defect of the personal exercise of the Royal authority proceed from the weakness of infancy, or originate in the infirmities of manhood, the same principles are equally applicable, equally important to the rights of the people, and the legitimate interests of the Monarch. Thus considering the question, I trust these precedents will long remain, and that their force and authority will be submitted to by posterity.

Earl Stanhope begged it to be understood, that if he voted for this resolution, it was not on the grounds stated by the noble lord, but for reasons of a very different nature. As to the interruption which he had given the noble lord in the course of his speech, he thought that it would not have been unpleasant to him, as what he had said at the time was contrary to an Act of Parliament; but he was happy that the noble lord had not been so interrupted as to deprive the House of those precious arguments which they had this night heard. The noble lord seemed very fond of appealing to what had been done by that worthless and arbitrary prince, James II. and in proof of the vast importance of the great seal, had mentioned that it was carried off by that prince in his pocket, and the loss seemed almost irreparable to his lordship. But as to that point, he would beg leave to put a case. Suppose the noble lord was a thief, *(a laugh!)* which, however, he was very far from saying he was, but only put it for the sake of the argument; and suppose that he had stolen the great seal from the pocket of the learned lord on the woolsack; what was to hinder him from creating himself Duke of Flushing, then giving himself as great a pension as the great seal could give, and last of all making an impression on the green wax to get himself a pardon? *(Laughter!)* If the great seal was such a mighty engine as to be able of itself to sanction and complete an Act of Parliament, what was to hinder it from doing all he had mentioned? Such was the noble lord's knowledge of the law; but let us look to to an Act of Parliament of the 6th of Anne, chap. vii. which was for the better security of the Protestant succession. Among other enactments, it provides for the appointment of lords justices, to assume the direction on the demise of the Queen; and in the 9th section it enacts, that her great seal shall be used by them till her successor, on his arrival, give orders to the contrary; and so little importance was attached to it, that the act goes on to say, that the successor may use any seal he pleases for the great seal; and that if declared to be such, it shall be of the same effect, to all intents and purposes. But not to squabble any longer about these points, but to come to the question; he was ready to say that he agreed to the 2d resolution, which claimed it as the right of the two Houses to appoint a Regent, because he found no Act of Parliament which gave the Regency to any one in case of the King's illness or

incapacity; no one, therefore, had a right to take it, and consequently none but the representatives of the people could supply the deficiency in the Executive that was thus occasioned. This was his short and plain reason for agreeing to the 2d resolution. But in his opinion, that resolution was incomplete, and he should, therefore, before he sat down, propose an amendment to it in the way of addition. That amendment he should now read to the House, and it was this:

"That the powers of the Regent should continue until the Lords and Commons, on sufficient and satisfactory proof of the fact, shall declare his Majesty so completely recovered as to be competent to resume the various and weighty functions of his Royal office."

He trusted there would be no difficulty in acceding to this amendment: for as the competency of declaring the insufficiency of the King to the execution of the regal duties lay in the two Houses of Parliament alone, and could lie no where else, so what other power was there in the country to decide when that incapacity was removed? and the two Houses having decided it in one way, there appeared to him no other authority that could decide in an opposite manner. Was it the Privy Council that was to decide? Surely no man would mention its authority as any way to be set in competition with that of the two Houses. This was all he thought it necessary to say in support of the principle of his amendment; and as to its expediency under all the circumstances, he really thought there could be no doubt about it. Was it possible to figure to ourselves circumstances more dangerous either to the Royal authority or to the welfare of the country, than various points on which the continuance of the Regent's authority might turn? The Physicians might be of various and divided opinions on the subject of his Majesty's competency, and therefore, who so proper to decide as the two Houses themselves? This unfortunate illness put him in mind of one of the most sensible sayings he had ever heard, and which was ascribed to that able and honest man, Judge Burnet. A person in his company happened to say, that in his opinion, the office of a judge was a very silly and idle one; for all that he had to do was only to distinguish between black and white. "You are very much "mistaken," replied Judge Burnet, "the judges never feel "any difficulty in the blacks and the whites—all our "difficulties are in the greys!" In the same way, said his

lordship, he conceived that, in the delicate question to which he alluded, there might be so many greys, so many shades between white and black, that the only proper authority to decide it was the Houses of Parliament: save and except them, he knew none that could perform that duty.

The noble earl concluded with proposing the amendment, which we have given above, which was then put to the vote, and negatived without a division.

Lord Holland rose, not to trespass then on their lordships time. He objected entirely to the second resolution, but was unwilling to enter into any long discussion concerning it. He should content himself, after a very few observations, with moving the previous question upon it. It involved an abstract question, which, whenever it was possible, it was desirable to avoid entering into; and this was so far acknowledged by Mr. Pitt, that he founded the necessity of coming to their declaration upon the assumed assertion of the Prince's claims. He differed much from the opinions then expressed upon that necessity, but there was now not even that shadow of a pretence adduced to recommend it. All metaphysical distinctions were overruled in the generally received conclusion, that the Prince of Wales ought to be sole Regent. Lord Holland then moved the previous question, which was put and negatived without a division.

The third Resolution being read,

Lord Holland rose and spoke to the following effect:—My Lords, I now rise for the purpose of proposing an amendment to the Resolution offered to your consideration. Before I state the reasons which have urged me to take this course, I feel it impossible not to advert to some of the principles which the noble earl (Liverpool) has made the ground-work of his Resolutions, and to the consequences which must result from an acquiescence in the propositions he has recommended. There are indeed some of those principles which I am by no means inclined to dispute; there are others to which I cannot give my assent: but I think I can prove that in the application the noble earl has made of them, he has gained but little for his object; that even if they were all true, they go but little to warrant the conclusion he has drawn, or to sanction the proceeding he has endeavoured to found upon them. The noble earl has laid considerable stress on the proposition with which

he set out. He has contended that the throne is ever full, and cannot be considered at any time vacant; that there exists a material distinction between the political capacity of the Sovereign, and the personal exercise of the Royal functions. I am well aware, my lords, that there have been periods of our history when this metaphysical distinction was made much use of; and I am willing to allow, that to a certain extent it is founded in truth; but I am sure the noble earl has, this night, drawn no inference from that metaphysical subtlety in any degree supporting the course he calls upon your lordships to pursue. Indeed without stopping to inquire into the nature of this abstract and philosophical analysis, without attempting to measure, or to limit the extent to which it can be carried, I must be allowed to say that the noble earl himself seems to me not to understand the nature of the distinction which he has drawn. If I understand his meaning of that difference, it is this, that the capacity to discharge all the duties attached to the Sovereign power must reside somewhere, and in all cases and in all times, whether that capacity be derived by succession, or whether in certain cases it be conferred by the votes of the estates of the realm, or whether by any stretch of illegitimate means it may have been at any time improperly assumed. I, however, contend, that there has been no period of our history, not even those to which the noble earl, with such seeming triumph, has referred, where the Sovereignty has been stripped of its just prerogatives, or that any man or set of men ever before had, or assumed the power of invading its rights. Another principle advanced by the noble earl, was founded upon the assertion, that there never has been in this country a Regent but was appointed by parliament. Although I doubt the extent to which this assertion is carried, I am ready to admit that by Parliament they have been generally appointed—by Parliament constitutionally convened—by a Parliament *full* in all its parts—by the three co-ordinate branches of the Legislature, King, Lords, and Commons. Coupled with this principle, that the appointment, to be complete, must be the act of the whole Legislature, I accede to the other proposition of the noble earl, that in Parliament is centered the power of making such an appointment, even passing by the heirs apparent or presumptive of the Crown. It is the principle on which the throne of this country is founded—it is the principle by which the right of the illustrious family

who now inherit it, is mainly secured. It is that full parliamentary right which not only allows us to overlook the very heir, but which has empowered the Legislature itself to confer the Executive authority upon the meanest individual in the state. It is a right not existing alone in principle, but which has been happily and beneficially exerted in the instance of placing the succession in the illustrious family of his present Majesty. But this right, to be exercised legally and constitutionally, must be in consequence of an Act of Parliament, and not by the mere agreement of the two Houses of Lords and Commons. And here I must observe, that throughout the whole of his speech, the noble earl has completely been begging the question. He has assumed that the strange anomaly which his proposition contains, that the strange proceeding recommended by him, which has no similitude or analogy with any principle or practice in our Constitution, if sanctioned by the two Houses, is to all intents and purposes an Act of Parliament. If I could be persuaded that such an acquiescence was of the same efficacy as an Act of Parliament, then most certainly could I view a Regent thus constituted in the same light as Majesty itself. But every principle of the Constitution and parliamentary precedent is hostile to any such inference.

The fourth proposition of the noble earl was, that there never has been a Regent appointed by Parliament but has been made subject to certain limitations of the Royal prerogative. Unwilling to anticipate that discussion which on a future occasion will most probably take place, I must say that in every view I can take of the circumstances of the country, and of the state in which its best interests are placed, that it will be my duty to contend against the principle of *temporary* restrictions (*Hear! hear!*) being imposed upon the individual invested with the exercise of the Royal functions. For although, my lords, I feel the force and cogency of those arguments which undeniably prove the great and dangerous increase in late times, arising from many causes, of the influence of the Crown, I can never consent to impose any temporary limitations on the Royal Prerogative—converting that which was given for the security and safety of the people into a direct and studied insult against the distinguished individual whom you call upon to administer the important functions of the Executive authority. (*Hear! hear!*) But dismissing from my consideration all reference

to the feelings or the character of his Royal Highness the Prince of Wales, I stand up here for the people of England. I contend that these prerogatives have been conferred for their security—that they are a part of their rights—that unless necessary to their interests, and conducive to their safety, they ought not to exist at all; but being their right, and being necessary, there exists no other power but that of a full parliament, competent to wrest them from them. (*Hear, hear!*) Thus much I may be allowed to say upon a point which we will have hereafter to discuss, at the same time that I dare the noble earl to produce a single instance where the prerogative was suspended or restricted for any given time. It is true, that in cases of incapacity in the personal exercise of the Royal functions, arising from absence or infancy, although limitations were fixed upon the lords justices, yet it was only as to those parts of the Royal functions which the King was not precluded by absence from exercising as in other emergencies; what was denied to the Regent, existed in the Council.

Having offered these remarks on what has fallen from the noble earl, I shall beg leave to state the reasons which influence me to oppose the course he recommends. Your lordships having, by your agreement with the second resolution, sanctioned the right of the estates of the realm to supply the defect of the personal exercise of the Royal authority, you are now proceeding to that object. In all common sense, and from interpretation of language, that resolution declares the power of the two Houses to do it; yet that very thing which you positively declare your competency of yourselves to do; by another resolution the noble earl calls upon you also to declare it cannot be done, without the assistance of something extrinsic to yourselves. Agree my lords to this third resolution, which asserts the necessity of determining on the means how the Royal assent shall be given to the proposed Bill, and your decision must be involved in the most contradictory absurdity. In what system of logic has the noble earl learned this curious mode of reasoning? No where I am sure, from the first rudiments of syllogistic reasoning—from the simple syllogism of the vowels down to the more abstruse propositions of Aristotle. If it be logic, it must be a syllogism, which in the scholastic phrase, *nullum nomen habet*. What is it but saying, we possess of ourselves a right to do a thing—that right we must now exercise; but in the exer-

cise, it is necessary to resort to something out of yourselves. Or to illustrate more fully—we are able to walk upon two legs. We now proceed to walk upon two legs, therefore it is necessary that we use a crutch. (*Hear, hear!*) Mark, my lords, more closely the nature of the proceeding which you are called upon to adopt. You are asked to agree to a Bill which should empower certain persons to put the great seal to a commission, in order to enable certain persons to give the Royal assent to such Bill as may be hereafter passed, to supply the defect in the exercise of the Royal authority. The power that you are about to confer, does not extend to the withholding of any assent. There is no election given to the commissioners; the assent, and that alone, is imperative upon them. In preference to that unconstitutional, inconvenient and dilatory course, I beg leave to propose an Address to his Royal Highness the Prince of Wales. It will be for your lordships, in your wisdom, to determine which is the most constitutional, most reconcileable with parliamentary precedent, and most convenient to the great objects at this moment pressing on the country. With respect to that which is most constitutional, I must indeed have wholly lost one of the three faculties of the human mind, if I am mistaken in thinking, that to make an Act of Parliament the full assent of the three co-ordinate branches of the Legislature is necessary, and upon the grounds of precedent I think I can point out, even in those remote periods to which the noble earl referred, and with him I most fully agree, that in those times, the times of the Plantagenets, before the accession of the Tudors, or the introduction of the arbitrary principles of the Stuarts, the seeds of that constitutional freedom were sown, which in subsequent periods has been so beneficially cultivated—I say, in those times the noble earl cannot find any thing, in any shape, in favour of the course upon which he is anxious to proceed. Upon these points I am at issue with him. As to the Constitution, I ask what is the Royal assent? In other words, what is an Act of Parliament? In giving the answer, I must appear to have stolen it from a humorous pamphlet published thirty or forty years ago, under the title of *Anticipation*, in which the speeches of members in the two Houses of Parliament are presumed; and a gentleman, not very conspicuous for diffidence, is introduced examining the parts of the Constitution. He proceeds in a very grave manner to ask, whether it is not a three-fold Constitution, composed of

King, Lords, and Commons? Yet, my lords, that very proposition, the mention of which was considered as ridiculously unnecessary, we are at this day, by the proceedings of the noble lords opposite, compelled to defend. How has Sir Matthew Hale defined an Act of Parliament? In the forcible language of that great lawyer, it is described as a tripartite indenture. But taking an instance from common life, where three persons were necessary by contract to do an act; from absence, or any other incapacity, it was impossible to obtain the acquiescence but of two of the parties; it is proposed by some that an agent or attorney should be appointed for the third person. What character would be imputed to the proceeding, were the two others to declare there is no attorney necessary for the third person, thus incapable to act—we ourselves will be his attorney? These are the grounds upon which I rest my denial of the competency of the two Houses to pass an act of Parliament; but the objection is not confined to general reasoning—it is supported by a positive statute, which declares the assumption of such a power to all effects null and void. Shall I then be told that the judges of the land would recognize that as law which a positive statute declares to be illegal. If the courts below should venture to assume such a power, they would not do their duty, and it would be high time for Parliament to inquire into their conduct. By the 33d of Henry the Eighth, confirmed by the 1st of Mary, it is declared, that the law of this realm is, and always hath been, that the Royal assent or consent of the King or Kings of this realm to any act of Parliament ought to be given in his own Royal presence, being personally present in the higher House of Parliament, or by his letters patent, passed under a great seal, assigned with his hand, and declared and notified in his absence to the Lords Spiritual and Temporal, and Commons assembled in the higher House of Parliament.—In virtue of this act, by the 1st of Mary, a measure which passed the two Houses of the Legislature, with the Royal stamp affixed to it, was declared to be no act of Parliament at all, and that at the time when the judges in the courts were actually entertaining the question. By the 12th of Charles the Second, the very assertion, that the two Houses of Parliament are competent to make laws, is a punishable offence, the person so asserting it being subject to the penalty of a præmunire. It may be said, that my mode of proceeding is not free from objection. I

acknowledge it. The nature of the emergency is such that there is no course of proceeding altogether unobjectionable; but my proposition is subject to difficulties which will exist for a shorter time; it is most expeditious, it is candid and explicit, not tending either by contrivance, ingenuity or artifice to appear to be that which it really is not. So much upon the constitutional merits of the two modes of proceeding. Let us direct our consideration to the grounds of preference upon parliamentary precedent. Those in the reign of Henry the Sixth will, I think, go eventually to bear out the line I have recommended. The first interruption in that reign arose from the infancy of the Sovereign, who, I believe, was also out of the kingdom. There was no *Custos Regni* previously appointed. Under these circumstances, the Duke of Gloucester was at once constituted the Regent, with the power to issue writs and to convene Parliament. But it is necessary to remark, that the nature of these commissions, as well as their practice, was very different in these periods to the reign of Henry the Eighth. The Commissioner was considered the *Locum Tenens Regis in Parliamento*, having the power of assent or dissent upon all measures of legislation. This was a power at first irregularly assumed, but which was afterwards indemnified and sanctioned by the three branches of the Legislature. The subsequent precedent, which occurred during the reign of this weak and unfortunate Monarch, arose from accident—the Duke of York the Regent; a character, in my opinion, much misrepresented by many historians, having in his possession, at the occurrence of the incapacity, a commission, signed by the King himself, to give or withhold the Royal assent to the bills which passed the other branches of the Legislature. Coming down to the proceedings of the Long Parliament—a Parliament, all whose actions have been too indiscriminately censured, but amongst whom I can never forget the great character who on some occasions took a lead; but even that Parliament, in 1641, proceeded to the appointment of a Committee, for the purpose of ascertaining whether, on constitutional principles, the Royal assent could be given by Commissioners appointed by themselves? That Committee was composed of some of the first lawyers and patriots in our history. On it were Mr. Selden, Mr. Pym, Mr. Hampden, Lord Falkland, and Mr. Hyde, afterwards my Lord Clarendon; and their report, after the fullest investigation, was, that there was no instance of Parliament

sitting without its full powers; that every act was incomplete without the concurrence of the three branches of the Legislature. In that moment of popular agitation, when political heat was so much at its height, so careful were these great men not to exceed their duties, that it was not until that Parliament had agreed to the abolition of Monarchy itself, that they proceeded to the passing of acts of legislation. They never could have lent themselves to the notable expedient of the present day, and by an unconstitutional fiction usurp a power which they knew not to belong to them. Yet, my lords, that which the Long Parliament long forbore to do, and which they did not do until they agreed to the abolition of Monarchy, the noble earl this night calls upon your lordships to carry into effect, although another course, free from such objections, is open to your choice. If we proceed to the time of the Restoration, we will see the same principle more fully operative. A whole month occurred from the period of the kingly office being restored, and the arrival of Charles the Second. Nothing was received from that Monarch but a letter. The two Houses of Parliament were sitting, and though every man in those assemblies, after the declaration that the Constitution of this country consisted of King, Lords, and Commons, were liable to be tried for treason, did they even under such critical circumstances assume the power now sought? Did they apply the great seal to any act of indemnity for themselves? No such thing; because they knew, that had they done such an act, the ingenuity of man could not have devised a proceeding which more strongly marked a commonwealth rather than a kingdom. *(Hear! hear!)* At the Revolution, a period to which I can never look but with that reverence and respect due to the sense of those blessings we have derived from the exertions of the illustrious men who took a lead at that great æra—on that occasion our ancestors proceeded in the line most advantageous and convenient, which was both recommended by the proceedings and precedents of our parliamentary history, and the analogy of our laws. They addressed the Prince of Orange at once. But, says the noble earl, the case of the Revolution does not now apply, inasmuch as the throne was at that period declared vacant. Where has the noble earl learned the history of those times? Does he not know that the Address was agreed to by the estates of the realm, before the question of vacancy was ever even discussed; that the Prince of

Orange had actually begun to administer the functions of the government before the vacancy of the Throne was declared? The noble earl must indeed, trust much to our want of knowledge or of diligence, when he can fancy that your lordships can be deluded by an objection so refuted by the very events of that period. When every one of your lordships are aware that at the time the Address was voted, the question of abdication was kept out of sight, and for this reason, that on that very question of vacancy, a considerable contrariety of opinion was known to prevail. But if it should be granted to me that against Address there exists only the same objections as apply to the proceeding by Bill, surely then it becomes the duty of your Lordships to take the course most respectful and equally advantageous. Let us act as our ancestors did towards our gracious deliverer, King William, in an open and undisguised manner.—Why not, in our Address, do as they did, namely, state the provisions upon which we address him, and the expectations we form of his future conduct. Of all modes, that by Bill, I pronounce to be most odious and disgusting to the Royal Personage; and as to the value of it, let us reflect upon where the violation of its provisions would ultimately rest. If a Prince of Wales, whom you agree in some way to constitute Regent, be a personage of a generous and noble nature, Address is the mode most compatible with your sentiments of his high character, while it best corresponds with the dignity of his station. If, on the other hand, he be of a description totally different, the object of suspicion and disregard—an individual whom no engagements can bind, would he not have the power of dissolving the Parliament—of adding sooner or later to your lordships' numbers, and ultimately of bringing to punishment those who had the temerity to put the great seal to an Act sanctioned by only two branches of the legislature? Now, my lords, it remains to advert to the precedent of 1788—to which so much allusion has been made, and on which so much stress has been fixed, in order to decide your lordships as to the propriety of similar proceeding in the present emergency. I contend, however, that it is not a constitutional precedent, because such a precedent cannot rest upon incomplete proceeding. *(Hear! hear!)* It is not reconcileable with those which the wisdom of our ancestors recognized. And, my lords, when we appeal to the wisdom of those who have preceded us, it is not from any imaginary belief that be-

cause they have lived three or four hundred years before us, that they are entitled to our implicit confidence; that we their descendants are in a progressive state of degeneracy. Such a speculation may suit with the classical thought—

> Nos nequiores, mox daturos
> Progeniem vitiosiorem;

but ill accords with constitutional doctrine. When we appeal to the precedents of former times, it is because we have the authority of the persons who were contemporaneous with its adoption, and supported it, together with the experience which posterity have had of its advantages. Trying the precedent of 1788 by that definition, and it must fail—it has only the authority of those who recommended it. It has the authority of Lords Camden, Thurlow, and Mr. Pitt—of the great men who resisted that very transaction for reasons which your lordships can easily appreciate: I will not trust myself with the recital. There is opposed to it, incomplete as it is, the perfect measure of the Irish Parliament. But to this the noble earl says—The Irish precedent is not conclusive, inasmuch as it was opposed by a noble friend of mine, then Lord Lieutenant (Marquis of Buckingham). So that, at the very moment that he calls upon your lordships to declare, that in Parliament is centred the right of supplying the defect, he argues against a precedent advanced by his opponent, though carried into effect upon his own principles. He disregards the precedent of the Irish Parliament, which made the precedents of the English the rule of their proceeding; at the same time that he desires you to look at the proceedings of a Scotch Parliament, which refused to be guided by English precedents at all. Indeed, it is impossible to overlook the impression which the Irish people must have of the respect paid to their representatives in this House, when it is ascertained that upon the Committee for examining his Majesty's physicians, not a single Irish representative peer was placed on it. In 1788 you were at peace—had there existed at that moment the very important interests now pressing upon this country, I am persuaded, notwithstanding the height of political animosity at that period, no such length of time would have been spent in its discussion. Yet with our knowledge of the crisis in which we stand—with the variety of public duties which force themselves upon our consideration, we have suffered

a period of double the extent to that admitted by your ancestors in 1680 to pass without having proceeded to do that which, as was observed by my noble friend (Carlisle), constitutes only the ground-work of our proceeding. We had afterwards from the noble earl a strong comment on this point. He has ventured to avow that those who were lately the servants of the Crown, have taken upon themselves the power of doing that which the very course we are now pursuing, proves could not legally be done either without Bill or Address. Does he mean to say that we are so fallen in dignity and feeling, as to suffer the attributes and prerogatives of Majesty to descend into the hands of a faction? *(Hear! hear!)*—that we are to recognize by them the usurpation of the rights of the Monarch at the very instant that we are called upon by those who have thus usurped, to limit and restrict that Prince on whom, at that moment all the eyes of his country are fixed? *(Hear! hear! hear!)* Numerous are the interests which demand the most prompt application of all the wisdom and energy of the country. Amongst those interests our relations with America are of paramount importance. The situation of Spanish America calls also for our consideration. I perceive that the noble marquis (Wellesley) to whose office the attention of those concerns immediately belongs, has not, in imitation of his colleagues, usurped the functions of his Sovereign. He has, in my opinion, done most wisely; but if the time came for acting upon the state of the relations with Spanish America, I would strongly recommend the propriety of our mediation between those colonies and the mother country. I conjure you, my lords, exhausted as I am, to consult, this night, what is due to the interests of the monarchy—to your own dignity—and to the critical state of the public concerns. If every man but examines his heart, he must feel that if on the first and second adjournments he was in possession of those facts with which we are now acquainted, it would be impossible for us to have allowed the delay that has been so studiously sought. *(Hear! hear!)* It is impossible but that your lordships must feel that we have been deceived and entrapped by the delusive expectations held out to us—*(Hear!)* A time for the most deep scrutiny of all these proceedings must quickly arrive. The facts with which we are acquainted, at length compel us to the duty. It is now stated on evidence, taken upon oath before your lordships, that there have been periods when his Majesty was

labouring under that infirmity—which subjects the human mind to the ascendancy of others, the Royal assent was given in this House, and many other equally important functions of the Sovereign exercised in his name. If that information had been in our possession weeks ago, would it be possible for us to have assented to successive postponements? Is it possible that with that knowledge now, we are not impressed with the necessity of adopting means to prevent a recurrence of such a state of things? It is indeed to the discredit of former administrations, that this remedy has not been hithertofore provided. As an humble member of the late one, I take shame to myself that no measures were taken against the recurrence of such an awful exigency, and to prevent the country from being, in the midst of its dangers and difficulties, cut short, as it were, of all legal authority. This duty, delicate as it is, my lords, must be done; and the consequences of any dereliction must be on your lordships and the other House of Parliament. I have to move, as an amendment to the third resolution, that after the word "resolved," the following words be substituted:—

"That his Royal Highness the Prince of Wales, being of mature age, be requested to take upon himself the exercise of the powers and authorities of the Crown, in the name and on the behalf of the King, during the continuance of his Majesty's present indisposition, and no longer.

"That an Address, founded on this Resolution, be presented to his Royal Highness the Prince of Wales, requesting him to take upon himself the government aforesaid, and that it be at the same time, and the same manner, communicated to his Royal Highness the Prince of Wales, that it is further the opinion of this Committee, that it will be expedient to abstain from the exercise of all such powers as the immediate exigencies of the state shall not call into action, until Parliament shall have passed a Bill or Bills for the future care of his Majesty's Royal Person during his Majesty's present indisposition, and the securing to his Majesty, whenever it shall please Divine Providence to restore his health, the resumption of his Royal authority.

The Duke of Norfolk spoke in warm terms of the speech which their lordships had just now heard from a noble baron (lord Holland.) He enforced some of the topics connected with that noble lord's speech; but from the low tone of his voice, it

was impossible to collect distinctly what he said. We understood him to say, that he knew no reason why the two Houses of Parliament should take upon themselves any of the functions of the Executive; that their duty was merely to see that any deficiency in that branch of the legislature should be immediately supplied; and that if they proceeded to exercise any of the functions of the Executive, they might as well order the regal sceptre to be put upon the table, and say there is the King who is hereafter to speak through our mouths. After adverting to the analogy between the precedent of the Revolution and the present period, he concluded with supporting the amendment.

The Duke of Sussex.—My lords, I rise not merely to approve of the amendment, but likewise to caution your lordships to listen with suspicion to any suggestion coming from that side of the House, upon a matter of so high importance, as to be equalled only by the magnitude of the calamity with which we are visited, and which gives rise to this momentous discussion.—Upwards of eight weeks have now elapsed, during which immense period, either the magistracy of royalty has been suspended, or the functions of that authority have been assumed by a committee of persons who have no right to exercise them.

I have watched with a jealous and anxious eye, as far as I have been able, the whole proceedings of these late ministers of his Majesty, resolved, when an opportunity occurred, to state my most marked disapprobation of their conduct. You have now, my lords, upon the minutes of the secret committee, many deplorable and most melancholy facts, which affection for my Father, and delicacy, have hitherto prevented my expatiating upon.

However, your lordships may recollect that at an earlier period I did venture to express my anxiety relative to the care of his Majesty's most sacred person, which I should not have hinted at without most cogent reasons. But now that your lordships are in possession of these most important and distressing points, I conceive it my imperious duty to call your most serious attention to them. The fact is unfortunately now but too clearly established of the malady of our most gracious Sovereign. You have likewise upon your minutes the evidence of the physicians, as to the positive certainty of no personal communication between the Sovereign and his ministers during that period. You also possess the knowledge that every individual of the Royal

Family has been kept from the presence of the King. Can you then for a moment conceive, my lords, either that his Majesty has a free will of his own, or any will at all? Can you allow yourselves to be told, that you may remain perfectly easy on the state of the affairs, as his Majesty's late ministers have executed every measure of expediency, which the pressure of the times required; and which they would have advised, could they have been admitted to the Sovereign? Is this a justification of their conduct? Or can this be a satisfaction to the anxiety of your lordships? How can your lordships know whether his Majesty would have approved of the advice of these ministers, or not?

We have not the right, therefore—we dare not presume to examine this point; but for myself, my lords, I do fairly avow, that I never can admit of such speculative conclusions; although I believe them to be the language and the system upon which this rotten fabric is founded.

My lords, if I understand any thing of the constitution of my country, the ministers of the Sovereign are a set of men whom the King calls to his councils, and therefore are they styled his confidential servants.—They are to take the pleasure of their Sovereign, to advise him upon all matters, wherein the welfare and interests of his people are concerned, to the best of their knowledge and judgment, for which they are responsible to Parliament. In consequence of their representations, his Majesty commands them how to act; and for the execution of these royal commands, they are equally amenable to the grand tribunal of the empire.

Now then, my lords, are we to allow ourselves to be persuaded, dare those ministers assert, that they have acted as they would have advised their Royal master, whom they have not seen for these last eight weeks, with whom they have had no personal communication, who has no free will of his own, and who is separated from all the tenderest ties of nature? My lords, if these late courageous ministers have acted, they have usurped a power which they have no right to exercise. If they have been frightened—*if they have hesitated—if they have stumbled*, and not acted, why then, my lords, they are equally treasonable for allowing the magistracy of Royalty to be suspended for such a length of time; which is a situation the Constitution can never know, and, of course, can never acknowledge. It is a shock the most dreadful, the most deadly, the Constitution has ever received since the period of the Revolution.

My lords, the Sovereign is a sole corporation; he never dies; he enjoys a political immortality. In attempting, therefore, the destruction of this grand constitutional principle, these late ministers of his Majesty have committed a regicide act against the magistracy of Royalty.

We have been led into an apathy for these last eight weeks. We have been cheered, amused, and disappointed, with the welcome, but unfortunately fallacious reports of the speedy recovery of our beloved Sovereign. We have been unmanned, my lords, by their working upon our feelings. My lords, I feel as much on this calamitous subject as any noble lord in this House, nay with the utmost sincerity and truth I may add that I feel more; and equally with every one of my relations here present, with whom only on a feeling of this nature I contend for a rivalship of affection and dutiful attachment towards our Sovereign and father, convinced that such an amiable and amicable contest, of itself, will forge the union of our family closer, and which will be so forcibly evinced by the division of this night.

But, my lords, my feelings must not get the better of my reason, nor can I separate for a moment the welfare of the Constitution from the welfare of the King. They are so closely united, and so intimately connected, that whatever concerns the one, affects the other. I presume, therefore, by the measures his Majesty's late ministers have been pursuing, the Constitution is in danger; my father and Sovereign must stand in the same perilous situation. It is by maintaining such doctrines, and professing these principles as I am holding forth, that I am fighting for the preservation of the monarchical Constitution; and watching the interests of the Crown with warmer zeal, truer disinterestedness, and greater activity, than ever the King's confidential servants can claim or pretend to.

It is to you, my lords, I look for support in this momentous occasion; for if you have a right, and an undoubted right you have, to maintain your laws, and preserve the Constitution against the attempts of any ministerial faction to break through the limitations of the Royal power, so are you equally called upon, and I do call upon you, to preserve sacred, and prevent any encroachments on the rights and prerogatives of the Crown, by a self-assuming Committee of men; for, in the security of those rights and prerogatives the interests of the people are as vitally concerned as the

welfare of your lordships. This is the actual case, my lords; for, by the conduct these ministers have all along observed, they seem to me to have made a shield of the Sovereign, instead of being the constitutional shield of their Royal master.

They seem to me, my lords, as if they were endeavouring to take advantage of the conjuncture to depress the Crown, to render it as much precarious and elective as they can, and to raise the power of themselves upon the ruins of monarchy. If the estates proceed by Bill, they assume to legislate, without the intervention of the Royal authority, which is a violation of the Constitution. Besides, if they do proceed by a pretended act of the legislature, they claim to elect the person, who, for a time, shall exercise the magistracy of Royalty; and if it is admitted, that the two Houses may thus elect the person who shall for a time exercise the magistracy of Royalty, it will be difficult to resist that claim afterwards, at a future period, to elect a person who shall permanently exercise that Royal authority.

But, my lords, the engagement and pact of society, which generally goes by the name of the Constitution, forbids such invasion and surrender. The constituent parts of a state are obliged to hold their public faith with each other, and with all those who derive any serious interest under their engagement; as much as the whole state is bound to keep its faith with separate communities, otherwise competence and power would soon be confounded, and no law be left but the will of a prevailing force. On this principle the succession of the Crown has always been what it now is, an hereditary succession by law. In the old line it was a succession by the common law; in the new, or the Brunswick line, by the statute law, operating upon the principles of the common law, not changing the substance, but regulating the mode and describing the persons.

My lords, I hear of restrictions in the Regency. I say, my lords, these restrictions cannot, must not be. If you feel the necessity of a Regent, he must have full powers, and not be the very mummery or mockery of Royalty, which is the system ministers are anxious to adopt. He must be, my lords, an efficient magistrate, with those prerogatives which the common law of England assigns to a King, and which the people of the united kingdoms have a right to demand. The law has frequently provided a

remedy of a Regency for the infancy of our Kings. So if a King should fall into such an unfortunate situation as assimilates him to that position, then the estates of the realm may upon the parity of the case seek the remedy provided for an infant, and lodge the power in a Regent. And as in the weakness of infancy, a Prince Regent has always been in law the same person with the King, who has not, or from misfortunes cannot have a will, therefore the Regent's will is the same as the King's will, and consequently the power ought and must be the same—but with this security, that in the exercise of his important functions, the right of the Sovereign is owned by the Regent to remain in the King, and that he becomes the Crown guardian of those rights.

My Lords, I have delivered these opinions of mine, from the most conscientious motives of dutiful affection and attachment to my Sovereign and father, from sentiments of the sincerest and most ardent devotion to the Constitution of my country.

From a variety of causes, my lords, I happened to be upwards of eighteen years, during the progress of that awful and calamitous revolution, on the Continent. Wherever I flew from this hydra, it followed me. I watched as much as I could the rapid strides it was making over the whole of Europe; and my observations have invariably been, that the constant and successful forerunner of the downfall of every government was either the bringing the magistracy of Royalty into suspense or disrepute, or the inflaming, injuring, and prejudicing the minds of the people against their Sovereign and his heirs.

God forbid, my lords, that I should ever foretell such a calamity to my country; but, my Lords, I hold it as a most sacred duty to warn you of the dangers which surround you at this moment. We have an excellent Constitution, erected on the basis of a glorious Revolution, formed by experience, and beautified by time and cool reflection. So masterly are the three component parts equipoised, that whatever should be an incroachment on one of the three branches, would carry with it the downfall of the two others; and thus the entire destruction of this wonderful fabric, the sublimest proof of the mercy of Providence, and the noblest specimen of the wisdom of man, would inevitably ensue.

Feeling, as I do at this moment, my lords, I cannot conclude otherwise than by imploring your lordships to pay

your most serious attention to a subject, in which the vital parts of our Constitution are concerned, and in quoting the words of a late and learned lord, who filled the woolsack at the former and similar momentous period of 1788—"May God forget me, if I forget my King!"—And to which pious and fervent ejaculation, I must further add with equal devotion—May God forget me, if I forget the Constitution of this country!—that Constitution, which placed my family upon the throne of these realms; that Constitution, which has been long our pride, and the envy of all surrounding nations, and for the want of which blessing they have all been confounded into one horrible mass of anarchy, ruin, and despair, while we stand secure of revolutions, firm as a rock; as a great beacon of civil, constitutional, and religious liberty, in the midst of a subjugated and desolated world; that Constitution for which my family have pledged themselves to live and die.

Lord Mulgrave began by alluding to the speech which they had recently heard from a noble baron on the other side of the House (Lord Holland). That noble lord had attempted to show an analogy between the period of the Revolution of 1688, and the present time. He was confident, however, that no analogy could be said to subsist between these two periods. At the Revolution of 1688, the Royal authority was suspended, the King had abdicated his throne; but there was at present no vacancy of the throne, there was merely a temporary interruption of the Royal authority. In 1688 there existed no Executive authority; there was no Parliament. That precedent has been much dwelt upon by the noble baron (Lord Holland): but there was this great difference between the circumstances now existing and those which distinguished that period—that there was not at that time a Parliament; there was, as it were, a dissolution of the ordinary constituted authorities in consequence of the vacancy of the throne. The noble baron asked with great triumph if the Convention Parliament then waited to declare the throne vacant; if they did not proceed in the first instance to address the Prince of Orange, to take on him the administration of the Executive government? Certainly they had done so, and that too in the first instance; but let it be remembered, that notwithstanding the very great urgency of the necessity which then enforced dispatch and decision, still they did not take that step without some hesitation. A great law authority,

Lord Nottingham, had entertained, and had expressed great doubts upon the expediency of such a proceeding in the first instance; but in their subsequent proceeding, when they had more opportunity for deliberation, and when their proceedings must have been more duly weighed and considered, what was their first course of proceeding? Their first determination after the address was, that the King had abdicated the government; and after they had come to that resolution, the next, flowing as an immediate consequence from the former, was, that the Throne was vacant. By thus declaring the Throne vacant, they devolved upon themselves the right of supplying that vacancy. They thereby declared their right of appointing the King and Queen; and accordingly they did, by their own free and voluntary act, fill up the vacancy, by nominating the next immediate heirs of James the Second in the protestant line of succession. Their lordships were attached to the Revolution, and it is but natural that they should be so. There was indeed throughout the country an enthusiastic, perhaps what might even be called a bigoted attachment to the Revolution; but while he felt as he did with respect to that glorious event, he warned their lordships not to let it be cited as an authority incompatible with its true principles—one of which was the right of the Houses of Parliament to supply any defect that may occur in the exercise of the Royal functions; and were they to admit it as a precedent, let it be only where similar circumstances made it applicable. With respect to all that had been said about the great seal, in reference to the Revolution, he could say that it did not apply, as there was then no great seal. And if the two Houses proceeded at that period to create a great seal, in whose name could they have created it? There was then no King. Whereas his present Majesty was at that moment as much and as truly King of that country as at any time during his reign. But, he would ask, what were those doing who proposed to proceed by Address?—they were endeavouring to establish a precedent unknown in the country. He challenged any noble lord to furnish one instance in the history of the English Parliament, in which a Regency was appointed by a direct Address, in the first instance, to the person to be appointed Regent. It was an old constitutional maxim applicable to all cases of necessity, that what necessity creates, necessity should limit. Where would be the necessary limitations or

the security for them in the proceeding by Address? There were two instances in the reign of Henry the Sixth, of the appointment of Regent, on account of the incapacity of the Monarch. He alluded to the instances of the Duke of Bedford being appointed Protector, and also to that of the Duke of Glocester being appointed Regent. (Here some noble lord said by way of correction, "the Duke of York.") He believed he was correct. He did not allude now to the late, but the earlier part of the reign of Henry the Sixth. The Dukes of Bedford and Glocester were the surviving brothers of Henry the Fifth, and inherited all the national zeal and virtues of that popular and magnanimous Prince. Of such men the country could entertain no unworthy jealousy—it must rather have had every confidence in their discharging the duties of their high trust with fidelity—and yet so necessary was the agency of the Royal functions thought to be to the constitution of a Regent, that Henry the Sixth, who was then but nine months old, issues his commission under the great seal, in which he declares his own incapacity, and appoints his uncles to act for him. In a much later period of the same reign, in the thirty-second year of it, and in circumstances beyond comparison more critical than the state of things at his accession, when the unfortunate Monarch was visited by a malady which disabled him from discharging the duties of the monarchy, he again declares in another commission his own incapacity, and nominates under the great seal the Duke of York as his Regent. He had heard a great deal upon a favourite position with some persons, as if the two Houses were but a mere convention of the three Estates of the Realm. He thought them something more, and considered them as nothing less than the two Houses of Parliament. We had had Convention Parliaments; but if the Parliament called under the commission in 1789 was to be considered, in immediate reference to the mode of calling it, but a convention, he would ask, did that convention derive no constitutional stamp from the sanction given to it by his Majesty's approbation of it, the manner of its summons, and the nature of its proceedings? He contended that it derived such sanction from the speech delivered by commission after his Majesty's recovery. Upon this point, however, his noble friend (Lord Liverpool) had been so impressive, that he would not weaken the impression by commenting further upon it. It had been objected, indeed, that that speech was to be considered as but the speech of the ministers.

Undoubtedly it was so to be considered while it was under the discussion of Parliament: but he contended, that after it had passed through that discussion, and had been adopted by Parliament, that it became, from that moment, a public record, and was to be consulted and referred to as such. What might they presume would be the first step which his Majesty would take? Would it not be to open his Parliament? Were not the two Houses the King's Parliament? Were they not constituted by his writs and summonses? Were they not convened by his proclamation? And did they not meet on the very day on which his Royal proclamation commanded them to assemble? In 1789 the Parliament was opened by commission under the great seal. Upon the subsequent recovery of his Majesty, the Royal sanction was unequivocally given to that exercise of the great seal, which had, during the King's illness, opened that Parliament. He was aware that the question now before their lordships did not immediately bear upon the question of restrictions; but this he must take the liberty of saying, that in all the acts of Regency which he had been looking over, and he had looked into them all, that in the preambles to all, the grant of the power was made with certain conditions and limitations. He therefore concluded, that such restrictions were not degrading to the Royal authority. He contended that the precedent of 1788 had been so far acted upon, as to be an authority diametrically opposite to proceeding in the present instance by Address. Upon the inexpediency and impropriety of such a mode of proceeding he felt stronger than he wished to express, because he was anxious not to revive that spirit of animosity, which unhappily prevailed too much at that period. So strongly did he feel such a course of proceeding to be opposed to his sense of his public duty, that he acknowledged it must be a hard alternative, which he should not prefer to the adoption of a line of proceeding which appeared to him to be so unconstitutional.

His Royal Highness the Duke of York.—However unwilling I feel to trouble your lordships, or to encroach upon your time, I cannot but consider the present, an occasion upon which I owe to myself, to state the grounds which influence my conduct in the vote which I shall give this evening.

I have under the present melancholy circumstances felt, as I did under those of the same painful nature which occurred

twenty-two years ago, that it would be weak and unbecoming to shrink from the public assertion of principles which I then entertained and supported, and in the maintenance of which I have been confirmed by subsequent consideration and experience; nor am I, I can assure your lordships, guided in the line which I am induced to take, by the fear of appearing inconsistent, for, if any consideration, carrying conviction to my mind of the fallacy of former opinions, had produced in the interval a change in my sentiments, I declare that I should consider it as mean and unmanly to hesitate a moment in candidly admitting such to be the case: but I continue deeply impressed with the opinions I then held of the mistaken principle, the dangerous tendency, and the eventual mischief of the measures which are now proposed; and I am led by every feeling of duty and attachment to my beloved father, of solicitude for the preservation of the rights of the Crown, and of regard for the Constitution of these realms, to deprecate the adoption of a course which appears to me highly detrimental to objects so justly dear to us all.

No individual can feel more than I do, my Lords, the critical situation in which this country is placed, by a calamity which none can more seriously deplore. Serious as the difficulties appeared upon the former occasion, they are greatly increased upon the present, by the pressure of the times, and by the arduous, yet proud struggle which this country is supporting, not solely for its own honour and independence, but for that of the only people on the Continent which scorns to submit to tyranny and oppression.

Ours is a choice of difficulties, my lords, and imperious necessity alone can warrant the steps we are about to take.

With these principles, my lords, I most conscientiously and cheerfully gave my vote for the adjournment, in the hope that Divine Providence might still avert the manifold evils of which I foresee the occurrence, by restoring our beloved Sovereign to his attached and afflicted people, before any decided measures were obliged to be taken; and with the same principles, my lords, I do not scruple to say, that in my anxious wish to allow every possible time for his Majesty's re-establishment, I should have readily voted for a further adjournment, if such had been proposed by those who have been in the enjoyment of his Majesty's con-

fidence, and to whom I give credit for a disposition not to run too great a risk of incurring any serious difficulty or embarrassment to the state, by postponing to too distant a period the consideration of measures which must, under the continuance of these melancholy circumstances, become ultimately necessary.

Unfortunately that period is now arrived; and, anxious as I should be to see that necessity averted, eagerly and joyfully as, I repeat, I should hail the day when it ceased to exist, yet, after the evidence of his Majesty's physicians, which lies upon your lordships table, I am far from wishing to sanction by my vote any impediment to the general and indispensble object.

But, my lords, I object to the mode and principle upon which it is proposed to carry that object into effect, as being, in my opinion, unconstitutional, derogatory to the dignity of the Crown, and subversive of those rights which, if they are indirectly infringed in the person of the King's substitute, will no longer be in the same degree secure from direct attack.

I deny the authority, the validity of the principle by which two estates of the realm can substitute a phantom for the prescribed reality, and can assume to themselves a power of establishing an act for which, by the principles and the acknowledged forms of the Constitution, the sanction of the third, still existing, although actually dormant, is particularly required; and I therefore adhere to that mode which is not liable to the same objection, I mean an Address, submitting the resolutions, if such are considered to be necessary, which may have passed, and which, being accepted by the Regent, will not be less binding upon him, or might at any rate be made so by a subsequent act, when the third branch of the Legislature had been restored to activity.

Having thus briefly stated to your lordships my objections to the form of a Bill, I must add, that I feel equal repugnance to any restrictions, which it may be proposed to impose upon the exercise of the power conferred upon the Regent during the continuance of the present calamity; for I do not reckon an arrangement for the care of his Majesty's person as a restriction on the Regent; I consider them not less dangerous in principle than in precedent, and I conceive these are not the times when the Executive Power, already subject to difficulties from its temporary

nature (and temporary I trust in God it will prove) should be still further embarrassed and weakened by restrictions, which are not less unbecoming than I am persuaded they would prove unnecessary; for I trust and believe that the Prince of Wales, being entrusted with the full exercise of that temporary authority, will feel that it is consistent with his own honour and future interest, as well as with every principle of duty and attachment to the King, to conduct himself in such a manner as to restore that authority to his father, free from abuse, and unfettered by any act which shall have been inconsistent with the principles upon which it has been hitherto exercised, or embarrassing to it on the resumption and further administration.—The merits of the present question, upon which I have briefly, and I fear very imperfectly, delivered my sentiments, have been, and will be so ably and fully discussed by others of your lordships, who are more competent to the task, that it now only remains for me further to declare, which I do most solemnly, that in the line which I have taken, I am wholly uninfluenced by any other considerstion than a conscientious principle, originating from conviction in my own breast, that my object has ever been, and ever will be to support, by every means in my power, the true interests of my beloved parent and sovereign, and of his realms, which I must ever consider as one, and to prove that I never have suffered, nor ever can suffer, any personal consideration or any view of future prospect to weaken those feelings of duty and attachment which are natural to every son, and which are indelibly impressed on my mind by every sentiment of the warmest gratitude and veneration for his person, as well as humble admiration of those virtues which have marked his public conduct, not more than they have adorned every act of his private life.

Lord Moira said, that he hailed the sentiments which their lordships had just heard from the two illustrious dukes who had spoken, as a sure pledge, at once, of the propriety and safety of the course of proceeding recommended by his noble friend, (Lord Holland). In receiving that testimony, he indulged in the sincerest joy, in reference as well to the manner of the assurance, as to the quarter from whence it came. Twenty-two years ago, he had the honour of submitting to their lordships, an Address similar to that which was now proposed; and upon a patient review of the principles of that great question,

upon the coolest consideration of its consequences, and the most jealous examination of his own motives, he was free to say that his opinions remained unchanged. With respect to the precedents cited by the noble baron, (Mulgrave) he had this plain answer to make, that where such cases occurred, under circumstances distinct from, or opposite to, the present, he should throw all such out of his consideration, as totally inapplicable to the question before their lordships.

There was no circumstance which could possibly occur against which he was so desirous to guard, as the assumption, on any pretence, or on any occasion, by either or both Houses of Parliament, of any of the peculiar functions of Majesty. Did the noble Secretary of State conceive that any thing could result from the measure which he had now proposed, but the ultimate and total destruction of the monarchy of this country? Nay, did he not contemplate in the adoption of such a line of proceeding not only its ultimate and total, but even its immediate downfall? Once sanction the proposition of the noble Secretary, and the very prerogative of the Crown itself would become an instrument, and an obedient instrument too, in the hands of any person who might have secured a majority in the two Houses of Parliament, for the destruction of itself. Then would the Royal functions become a shield to the servants of the Crown, instead of the servants of the Crown operating as a shield, as they ought to be, to the Royal authority. The noble lords on the other side seemed to overlook the most material circumstance in the mode of proceeding recommended by his noble friend, (Lord Holland). He did not question the right of Parliament to decide as to the best mode of supplying the deficiency; he only contended, that this adjudication would be best secured by Address. The very terms of the resolution proposed by the noble Secretary, as well as the amendment, express the right of the two Houses of Parliament, the necessity under which they were now placed, and even proceeded to the designation of the Regent. There was, however, in one respect a prodigious difference between them. By the measure proposed by the noble Secretary, great delay had already taken place, and much greater delay must still ensue. The amendment proposed by his noble friend, on the other hand, was calculated to prevent all delay. The noble Secretary had no doubt spoken out his object fairly and honestly, and had ac-

knowledged, that in proceeding by Bill his intention was to propose limitations on the exercise of the Executive functions in the hands of the Regent. That was to say, he meant to impose limitations on the exercise of those powers which were intrusted to, and did exist in the Sovereign for the service of the people. Was this a moment, he would ask, at which any of those energies, which in ordinary times were expected to be found in the Executive department of the state, were to be weakened or abandoned? The noble Secretary stated his royal highness the Prince of Wales to be in his contemplation, and, in fact, designated him as the person on whom he would propose that the office of Regent should be conferred. He (Lord Moira) did not believe there was in this country a single man weak or wicked enough to propose any other person except his Royal Highness, as the depositary of the powers of the Throne at such an awful crisis. Yet what was the way in which the noble Secretary proposed to call on him to enter upon the discharge of those important duties? They requested of him to free them from the dilemma in which they were involved, and yet they did so in a way which could not but be the most galling to his own feelings. They told him they had no other resource but in him, and yet by loading him with restrictions held him out as an object to be regarded with suspicion. It may be said, that there are regulations which a regard to the personal convenience of his Majesty render necessary to be adopted, particularly as to the care of his Majesty's person. Be it so; but would the noble Secretary wish to deprive his Royal Highness of the grace of abstaining from the exercise of powers which it would not be proper or becoming in him to assume? These were considerations which might surely be safely reserved till after the deficiencies in the government in other respects were supplied. Was the Prince of Wales a person proper to be appointed Regent of these kingdoms? If so, surely he could not be suspected of withholding his consent from any step thought necessary for the accommodation of his Royal Father. And if such was the case, was it then becoming that he should be held out to public observation as an individual who deserved to be suspected, or who ought not to be trusted? His noble friend (Lord Holland) had detailed in an admirable manner what the country was suffering, and was still likely to suffer, from the delays in supplying the deficiency in the Executive government.

The noble Secretary, however, had argued that, the material inconveniences had hitherto arisen. He could not agree in this assertion of the noble Secretary. It was impossible to look around, and not to be sensible that inconveniences arose from it every day. How many thousands of manufacturers were reduced, at this moment, to the greatest difficulties and distresses, from not seeing in what channel to turn their speculations!—The noble Secretary, and his friends no doubt, considered themselves as possessing the light and brilliancy of the Sun, capable of directing every thing aright.—He could not say that he (Lieut. Moore) estimated them as being note paper of metal of such high value and lustre. They might possess an excellent currency, if the House chose to take it on their own word. Could they stand up in that House, and say, however, that there was no inconvenience from the suspension of the Royal functions for so many weeks? The very circumstance of such a suspension, he submitted, was of itself a sufficient inconvenience. A noble and royal Duke (Sussex) had admirably stated the inconvenience, by referring it both to the statute and common law of the land. There was at present no chief magistrate of the country in the contemplation either of the statute law or of the common law; and if matters should be carried in the way proposed by the noble Secretary, and to the extent he wished, by the imposition of limitations on the Regent to be appointed, there would then be the most incapable government which had ever been at the head of the country, and that, too, in the most awful period of difficulty and danger. The noble Secretary stated the mode of proceeding to be one of great difficulty. With great submission, however, the difficulty only proceeded from his choosing to deviate from the plain and obvious track, and pursuing a course perfectly inapplicable to the exigency. It was entirely from noble lords on the other side wishing to assume to themselves the office of chief magistrate, that the difficulty they now complained of was raised. The evil was corrigible, but it had not been corrected—it was remediable, but had not been remedied. From the moment they knew that the functions of Royalty were not entire, and could not be discharged, it was the duty of the noble Secretary and his colleagues to have acquainted Parliament, and to have proposed steps for supplying the deficiency. From that moment a strict and defined line of proceeding was open to them, and from that

support every step which they took, and which was not in the course of that strict and defined line, was criminal. It was a constitutional principle established in the law of this country, that the monarchy could not be suffered to remain suspended even for a moment; and the instant it was found to be suspended, that instant did its functions devolve on him to whom by the line of succession it would naturally descend. The noble Secretary had justly complimented the Prince of Wales on the amiable and valuable qualities which he was known to possess. This recalled to his recollection a story relative to Don Carlos, son of Philip King of Spain, who had been complimented by the executioner immediately before he proceeded to strike off his head. He did not mean this as an invidious comparison, but still he could not but consider it as in some respect a parallel circumstance. The noble Secretary, while he panegyrized the Prince of Wales, took a step the most adverse to his interests and dignity. A noble and learned lord (Eldon) the other day had laid it down as the law of this country, that the King never dies. What, he wished to know, was the meaning of that expression? It was most important that it should be known. Was it meant that the monarchical part of the Constitution was so necessary and vital a principle to the interests, and even to the being of the country, that it could not exist a moment without it, but that it instantly revived and resuscitated of itself? If it did, then must he support the amendment of his noble friend, calculated as it was to render this power at once entire, by reviving the Royal functions, and putting an end to that ill-disposed traffic in which the House had been indulging of going on without the functions of Royalty, by which alone could their acts be rendered legal. When he (Earl Moira) heard the speech of the noble Secretary, he could not help being persuaded, that if a man, desirous of innovation, should look but for something on which to build his plan, he could not fall upon a more complete ground-work, than the speech of the noble Secretary, nor one more calculated, from its machinery, to effect the destruction of the Constitution of these kingdoms. What would such a person not say, when he heard the noble Secretary talk of this government going on for six weeks without inconvenience, during all which time the Royal functions were suspended? Would he not say, if such may be the case for six or eight weeks, why not for six or eight months, or for six or eight years?

It might happen too, that the person making this application of the speech of the noble Secretary might not think the difficulty of the task increased, when he considered under whose auspices this suspension of Royal prerogative had been suffered to go on without inconvenience. Might he not say, "If this could be done while the noble lord was in office, why might it not as well be done under my auspices? Could I not prevent the inconvenience of such a want from being felt as well as the noble lord?" The noble lord and his colleagues are the very last men by whom it could be expected that the inconveniences resulting from such a deficiency, if any such were likely to result, should have been concealed, or by whose exertions their evils should have been averted. They were the persons who had brought disgrace and ruin on the country. They, by their folly and criminality, sacrificed our armies, abandoned our allies, forfeited the national character, and raised against us a combination, consisting of all the powers of Europe. If you doubt so, look at the Continent, look at every act of their administration, and then say if you do not believe that I would make a better minister than the noble Secretary? And if so, and he could prevent the evils attendant on a deficiency in the Royal functions from being felt, must you not have much greater assurances of a similar result while the government is under my management? If their lordships permitted themselves to be made the destroyers of the bulwark of the British Constitution, he warned them that they would be the first to suffer from it: but it would not be them alone who would suffer; they would entail a portion, at least, if not the whole burthen of the calamity resulting from their act of this night on their latest posterity.

The Earl of Buckinghamshire did not mean to trespass at any length upon their lordships time; but in consequence of the unavoidable absence of a noble friend (Lord Sidmouth) from indisposition, he was authorised to declare his noble friend's acquiescence in the resolutions proposed by the noble Secretary of State. This course he meant also to support as the most constitutional guide for the conduct of the House, and founded upon the precedent of 1788. No subject could have been more ably or more properly decided than that case. It appeared, too, that the question had been decided in another place by a much greater majority than that, with all the weight of his talents and

chancellor, the late Mr. Pitt had been able to procure in the former case. *(Order! order!)* He stated this, not as an argument to influence their lordships, but as the ground of his own opinion. He respected the Prince of Wales as much as any man; but he was grieved to perceive that this question had been argued not with that regard for the interests of the king with which it ought. The proceedings in the year 1788 had been approved of by his Majesty on his recovery, and consequently there was reason to think that the similar course proposed in this instance would equally meet his Majesty's approbation. *(Order!)* He must contend that it was regular for him thus to introduce the King's name, because his approbation of the former proceedings appeared upon the records of the House, and any noble lord had consequently a right to refer to it. As to what had been said of the impossibility of sending out reinforcements to Portugal, he would put it to his noble friend whether, if he or any other noble lord were in the situation of the Minister, and the safety of the army of Portugal depended on receiving reinforcements, he would not have sent them out. He was convinced that he should himself not hesitate in such a case, that he would rather lose his existence than omit to take measures for the safety of the army. The noble Earl then observed that his Majesty's ministers had done, in his apprehension, only what the necessity of the case required, and in supporting the course proposed, considered himself as discharging a duty to them and to the country.

The Marquis of Lansdowne could not but think that the noble earl brought forward a charge rather of a grave and weighty nature against the House, namely, that it had evinced great regard for the interests of the Prince of Wales, and little regard for the interests of the King. He could truly say, that he for one felt the highest regard for the interests of the King, considering them as he did, solely as the interests of the Crown; and he trusted he should never hear it said that the interests of the reigning King and of the Crown were capable of being separated. Did the noble earl, however, think that the interests of the reigning King or of the Crown were best consulted while a few self-elected persons had presumed to take on themselves the discharge of the Regal functions, by adjourning forthight after forthight, and latterly, when it was admitted that the deficiency must at length be supplied, instead of supplying it in a legal

and proper manner, adopting that course which was alone calculated to produce delay, and to leave the exercise of the Executive functions still in the hands of those self-elected persons for a further undefined period? Did the noble earl think it evinced a regard to the true interests of the Crown, that while the exercise of the Regal functions was interrupted in the person of the King, those six or eight self-elected persons should be suffered to continue in the exercise of them, without authority or title of any kind except what they conferred on themselves? When the noble earl said, that in proposing the course recommended by his noble friend (Lord Holland) they evinced no regard for the interests of the King, the noble earl must have forgotten what the feelings of his Majesty must be supposed to be in the event of his recovery; he must have forgotten what must be the feelings of every Prince of his illustrious House, on the subject of this illegal and unauthorised assumption by the former servants of the King of the exercise of the Royal functions. The noble earl said, that if ministers had not communicated the fact of the deficiency in the Royal functions to Parliament so soon as it consisted with their own knowledge, that in that case they were criminal. Did the noble earl not see, however, that the moment the States of the Realm met, that moment the duty of providing for any emergency that might arise devolved on them, and that it lay on ministers to state to the two Houses, that such emergency had arisen the moment it did arise, that they might provide for it? Did the noble earl not see, that if such emergency did arise, and ministers concealed it, that the two Houses were deceived by them? Did he not see that the right thus devolved on the two Estates of the Realm had been withdrawn from them, not only so, but that the fact had been concealed, and the two Houses deceived, and thereby induced, while in ignorance of the fact, to consent to still further delay, whereby the suspension of the exercise of the monarchical powers was still farther protracted? Whoever had attended to the circumstance must be aware, that in this country while the Estates of the Realm were sitting, it could not be suffered, while the functions of Royalty were suspended, that any emergency should occur which required the exercise of those functions, without a communication on that head being made to the two estates. It would not be denied that one of the objects the most pressing in its nature, and the most important which could

be adopted, was the entirely of the period of his Majesty. Was there a noble lord in that House, however, who would say that at the present day, even after the delays which had taken place, there was a legal and responsible custody for his Majesty's person? He trusted the day would come, not only when Parliament would make provision to that effect, but that a retrospective inquiry on this subject would take place; and that if it was true that within these two days a gross abuse as to the care of the person of his Majesty had taken place, by which even, as was rumoured, his life had been endangered, such a gross violation should not pass without investigation and punishment. He stated this only as a rumour; but it seemed to be one of those imperious calls for adopting immediate means of providing for the safe custody of his Majesty's person which could not be passed over. His Lordship agreed, that if this was a case of extreme necessity, and that there was no other rule to be proceeded by than the one suggested by the noble Secretary of State, that then it must be followed, as the only rule of proceeding. This, however, he understood was not the case. There were here two questions. First, How the House should proceed so as least to violate the law and constitution? And secondly, How they could most efficaciously provide for the deficiency which had unfortunately occurred? His Lordship should proceed to consider these two points, and to shew that both of them could be most effectually and most conveniently accomplished, in the way recommended by his noble friend (Lord Holland). Referring back to all the history of this country, and to all he had been able to read on the subject, he could not find a vestige of any thing, previous to the year 1788, affording any thing like a precedent where Parliament had taken on itself to usurp the authority of the great seal, without the intervention of some person who either had, or was supposed to have, some power to use it. Even in the time of the Edwards and Henrys, amidst all the confusion and disorder which at different times distracted the Crown, and encroached on its prerogatives, so strong rooted had the idea always been that no power but that of the Crown had any control over the great seal, that no encroachment was ever once attempted on the exercise or the use of it. His lordship could not conceive a stronger proof that it was always regarded as a symbol which could only be called into action, and which

could be reached by the Royal authority alone. If we looked to the conduct of the Crown, we would find that there were times when it encroached on and usurped the power of Parliament; but still we would find that, on every such occasion the Crown always came afterwards to Parliament, to have it legalised by turning what had been a proclamation into an act of Parliament. That was an open and manly course of proceeding; just quite the one which was proposed to be adopted here. It was contended, that the precedent in 1688 was different from the present. This he must deny. It was, no doubt, different in degree; but it was readily similar in principle. There, as here, there was a deficiency to be supplied. There, there was an Address to the Prince of Orange, as it was here proposed by his noble friend there should be to the Prince of Wales. It was, however, no more absurd that the seal of James II. should there have been used to supply the vacancy in the Throne, than it would be so here, that the seal of George the Third should be used to provide for the incapacity of that monarch. It was said, however, that the bill proposed by the noble Secretary might afterwards be rendered legal.—He never heard any thing like this except on the occasion of a Westminster election, when, there being a deficiency in the police, the Irish chairmen applied for liberty to have the poles which they used painted like officers staves, that they might have the appearance of being officers, and so might be respected, by seeming to have the law on their side. So the noble Secretary seemed to wish that he should be allowed to paint over his illegal measure, and thus also to have at least the semblance of having law on his side.—If noble lords would take the trouble to look into the form of the letter of commission they would have to grant, they would see how extreme the powers were which they would have to delegate to the Commissioners: "To open, hold, and do all things by and for the Crown, which in ordinary cases can by the Crown be done." Was not this a great and general power, which might lead to acts of usurpation, and illegality? But this was not all. By the first and second Resolutions the House was made to recognize the deficiency, and to assert it to be their right and duty to supply it; and immediately afterwards, in the third resolution, abandon their right and desert their duty by giving over the right of supplying the deficiency to others; and, instead of supplying the want immediately, leave matters to

go on in a state of interregnum. It was impossible that their Lordships should exclude from their view, while adopting such a proceeding, a reference to the present state of Europe, particularly to the occurrences of the few last weeks, even to those which had taken place since the melancholy incapacity of his Majesty had been made known.

Events, his Lordship stated, might occur within a few weeks, in which the fate of the country might be involved; and he asked, what would be their Lordships' answer to their country, if such events should overtake us in our present situation? The two Houses had a right to supply the deficiency, and they had the means; there was a person to exercise the Royal authority, respecting whom there was no difference of opinion. Why then, might the country ask, by a tedious form, was this person excluded from the exercise of the necessary power; the power, be it remembered, of the Monarchy, which consisted in being the rule of one person? This was the first time it was to be exercised by several persons without being commissioned by the Crown. The two Houses had no right to a direct assumption of the Royal authority, though they might determine by whom it should be exercised. He supported the amendment, first, because it went to make the Constitution whole; next, because it secured the rights of the Crown, provision being made for the complete restoration of the Regal power to his Majesty, on his recovery. It preserved the happy union of the three powers now attempted to be separated, leaving the two branches a huge trunk without a body.

Jacet ingens litora truncus
Avulsumque humeris caput et sine nomine corpus.

He hoped, however, their Lordships would by their vote this night preserve the harmony of the three powers, and transmit them unimpaired to their posterity.

Lord Grenville, after expressing his surprise that the legal adviser of the Crown (probably alluding to the Lord Chancellor) had sat silent instead of stating the grounds of the resolution, declared, that notwithstanding what had been said by his friends around him, the full conviction of his mind was in favour of the proceeding by Bill. If, however, he should attempt to defend the conduct of ministers, he must undertake a difficult task indeed; for he must then contend that it was consistent with their obligations to come to Parliament and to use such language as they had done, to

deceive their lordships, to desert their duty, to turn their backs upon their Sovereign, and their country, in the situation in which they were now compelled to admit the nation to be placed:—if he could say with his noble friend on the cross bench (Buckinghamshire), that procrastination was meritorious, he might have something to urge in their favour; but he believed that his noble friend could hardly find any thing so difficult, as to maintain with success, that procrastination in providing the country with a government under circumstances like the present, was meritorious. The civilized world, they said, looked to Great Britain, and especially that nation which alone, of all the states of the Continent, afforded the smallest hope of the preservation of its independence; and was this a time for Great Britain to remain one moment longer than was necessary, is this calamitous situation? If then he supported the proposition, it was not because he approved of the conduct of ministers; on the contrary, he had the deepest sense of its criminality. But notwithstanding the seductive eloquence of his noble friend (Holland), he still remained of his former opinion, and thought a Bill far preferable to the mode of proceeding by Address.

The present question, his Lordship observed, was narrow. He did not think it necessary now to discuss the limitations. When that subject came before them, it would be time enough to enter upon its merits; but he only wished it to be understood, that it had no connexion with the question actually under consideration. Whether they proceeded by Address or by Bill, they might give the whole power, or they might prescribe limitations; and the Address was so framed by his noble friend, that the question as to the degree of power to be conferred, was left for future consideration. In his view of the subject, if the proceeding by Bill should be attended with the meritorious protraction mentioned by his noble friend on the cross bench, he did not think that would alter his opinion, though it would, have placed him in a much more difficult situation. But be it remembered, that eight weeks had elapsed for which the ministers were solely responsible, (*Hear! hear!*) as they, by allegations now proved on oath to have been incorrect, had occasioned the delay. If a bill had then been brought in, as under the circumstances it ought to have been, instead of being now engaged in laying the first stone of the building, we should, according to the longest computation of the

time of its progress, have now an existing government to discharge the duties of the Royal authority—too many in our present situation almost for imagination to run through. By the misconduct of ministers, they had still to begin the task of supplying the deficiency; and that could be done as readily by bill as by address, because the mode of address contemplated a subsequent discussion upon a bill to settle the powers to be given to the Regent. It appeared to him better to have a Bill at once, and to adhere as closely as possible to the regular forms of the government.

It was unnecessary for him, he presumed, to go over the precedents, as these had been sufficiently discussed in 1788, but there was one new circumstance now stated, viz. that the Royal authority was conferred in the reign of Henry the VIth, without the consent of the King; and here, too, provision must be made for the exercise of the Royal authority without the consent of the King, because it was impossible that the King's consent could be had. His noble friend (Lord Holland) had said, indeed, that a Commissioner had been appointed to act instead of the King. He (Lord Grenville), however, thought with the great Lord Camden, that the whole of the Royal functions were suspended—Lord Camden, upon whom the Noble Earl (Lord Liverpool) had pronounced a panegyric. It had been better if he and his colleagues had imitated as well as panegyrized Lord Camden, instead of adopting a line of conduct which must be considered as an outrageous insult to the nation, and an usurpation of the sovereign power, by issuing orders as they had done in the King's name, when it was notorious that his Majesty's pleasure could not have been taken. If, then, Lord Camden's doctrine was true, did it not apply to the appointment of a Commissioner or a Regent? You here stood in a situation where it was impossible you could have the consent of the King. In the regular and ordinary course of the government, the assent of the three estates was, indeed, necessary—no one doubted it. But here was a case where from absolute necessity something must be done of a legislative character by the authority of the two Houses. They must take upon themselves to do that for his Majesty which no other body or individual would undertake. They knew that nothing was more abhorrent to the nature of the illustrious Person who all agreed ought to be Regent, than to assume the Regal power without their authority; and did they, then, deal fairly by that illustrious Person by pro-

posing that he should represent the phantom of an authority which had neither foundation nor existence? His noble friend (Lord Holland), adverting to the Oxford logic, had stated that their lordships, having determined that they could stand very well on two legs, were next called upon to declare that they required a crutch to help them. His noble friend was himself a proof that the Oxford logic could form an acute parliamentary reasoner; but it was desirable that they should adhere as closely as possible to the ordinary forms of legislating. In either way of proceeding the difficulty must be encountered. There was another part of the Oxford logic, called arguing in a circle, of which the mode of address was a complete instance, as its object was to constitute a Regent, who must derive his authority from an act to be sanctioned by himself.

Passing from the time of Henry the Sixth, his Lordship adverted to the case of the Revolution. He really thought that no fact in history had been more clearly established than this, that the Lords and Commons had declared the Throne vacant before they proceeded to fill it. This was the natural course, and he was surprized when he heard his noble friend express himself as if he understood the matter differently. It was true they had addressed the Prince of Orange to administer the affairs of the nation, both civil and military, with the complete disposal of the public revenue *until they should otherwise provide.* These last words proved that they had no intention to create a power co-ordinate with themselves, but that the Prince held his authority altogether dependent upon them. The Prince did not consider himself as having any thing to do with the legislative power; for it was a question in the Convention, whether he should be made Regent at all, or whether some other mode of government should not be adopted. They therefore, as one would have naturally expected, declared the Throne vacant before they proceeded to fill it. But then it might be asked, why they did not use the Great Seal, as was now proposed?—to which the answer was, that in that instance it was impossible, as the Great Seal was not to be found. It had been said in another place, he believed, that this defect might have been supplied by a silver-smith—a strange observation for a lawyer. The authority of the Seal was not derived from the silversmith or the engraver, but from the King in Council, declaring that it was his Seal. But even if it had been found, it would have been absurd to use it, for

King James had abdicated, he might almost say, forfeited his title to the Crown; and it would have been ridiculous to declare his assent to an Act for his own exclusion. Here, however, they were under no such difficulty: there was no forfeiture, no vacancy, but an incapacity of the reigning Sovereign, for which a temporary remedy was to be provided. The King was still on the throne, and in his name all the Executive power must be exercised. The two cases, instead of being similar, were exactly the reverse of each other.

Their lordships had heard it stated, that the distinction between the political and personal capacity of the King was useless fiction, or quibble invented by lawyers. But their lordships would find that this distinction pervaded the exercise of the Royal authority. If they read a writ in the King's Bench, they would find that the party was summoned to appear before the King, not in his personal capacity surely, but in his political. The attributes ascribed to the King would be absurd and blasphemous in any other sense. Ubiquity was one ascribed to him, *eo nomine*, by the best authorities. Perfection was another. He need not enlarge upon this, for the distinction must be familiar to every one who had ever looked at a page of our Constitution. The consequence was, that when the King was disabled by infancy, or any other cause of incapacity, his political capacity still remained, and upon this ground his assent might be given to the act for supplying the temporary deficiency of the Royal authority. If authority were wanted in a matter so evident, he might cite the case of Henry the Sixth, in whose infancy the Lords and Commons appointed another to administer the government, studiously declaring at the same time, that he alone was their lawful King, and that to him alone their allegiance was due. It was upon this ground that justice continued to be administered, notwithstanding the personal incapacity of the Sovereign. But let no man, his lordship observed, suppose that this formed an excuse for those who had assumed the Executive authority, where the personal concurrence of the Sovereign was indispensable. This was the most flagrant violation of power ever witnessed, and he hoped their lordships would take care that it should never be suffered to remain as a precedent for any future minister to act upon.

It followed, then, that the King in his political capacity still governed the country, and that the Executive Power

did not devolve on Ministers—not even upon his Son, without an Act of Parliament, that might be produced to the courts of justice, so as to enable them to proceed upon it. His lordship maintained, that even in an indictment against a revenue officer, the courts would not act upon the authority of one exercising the Royal power, merely by Address, without a legislative measure. To prove this, he stated, that in a thanksgiving sermon preached before the House of Commons for their deliverance from popery, Bishop Burnet was obliged to pray for King James the Second, and the only way in which they could get rid of this was by act of Parliament, and appointing a King *de facto*, to give it the form of law. The principle, then, was, that the King, though labouring under temporary incapacity, was still alone the Sovereign, and that authority must be derived under his seal. In proceeding by Address, they would only set up a phantom. His lordship then cautioned the House against being carried away by the arguments reflecting upon legal fiction. In either way of proceeding they must come to a fiction at last. Fiction was not peculiar to our law—it abounded in the civil law, and it was to be found more or less in every system—and to do it away, would be to abolish law itself. The only object was to prevent its working injustice to any one. Such, then, was his view of the subject. They were not now called upon to fill up any vacancy, but to guard the government of their lawful King by a legislative measure, having the King's assent. That it must be the King's assent, all were agreed. Whether they proceeded by Bill immediately, or presented a previous Address, the King's assent, and not the Regent's, must be indorsed on the Act from which the Regent derived his powers. He thought the direct mode of proceeding far preferable to the other.

After stating that he adhered rigidly to the maxim that they ought to go no further than the necessity of the case warranted, his lordship said that he thought the question of right stated in the second resolution so clear, that he had been inclined to second the suggestion of a friend, that the right of the two Houses should be entered on the journals as a declaration of the law upon which the third resolution was to be founded; but from the doubt entertained by a distinguished individual in 1788 (Mr. Fox), he had thought it upon the whole better to let it pass as a Resolution, though the illustrious Person, in favour of whom the right had been maintained, disclaimed that right.

But what could he think when not merely a doubt was expressed on the subject, but an assertion openly made, that ministers may venture to what do they declare the Prince of Wales incapable of doing? Lord Camden had declared in 1788, that a suspension of all the executive functions had taken place; we now found that there was no such suspension in the present instance, but that men possessing themselves by no right or title of the highest offices, were assuming that authority which in preference to the Prince of Wales, they declare had devolved upon themselves. He would shew, by his vote this night, his conviction that Ministers had, by their late conduct, committed an outrage upon Parliament, compromised the best interests of the Crown, and criminally violated the fundamental principles of the Constitution. What had they proposed this night to record upon the journals of the House? Why! that it was the right and duty of the two Houses representing the estates of the realm to supply the defect of the Royal authority. This they gravely proposed to that House at the very moment that they were themselves invested by means of the grossest usurpation ever attempted in this country, with the whole of that Royal authority. His noble friend (Lord Buckinghamshire,) had asked if he (Lord Grenville) had stood in the situation of minister, would he have refused to send a reinforcement to the army in Portugal? In answer to that question, he would tell his noble friend, that, although an illegal act, he would have adopted it, had not Parliament been assembled. But if only one day had passed since their assembling, he should have regarded it as at once usurping the Royal prerogatives, and as committing treason against the rights, the acknowledged rights, of the two Houses. *(Hear! hear!)* What was that reasoning with which Ministers that night came down, and on which they with a double face founded such irreconcileable propositions? —now declaring that it is the sole and exclusive right and duty of the two Houses to provide an executive authority, and at the same time breaking down this declared right, and seizing themselves the government with all the arrogance of a self-created directory. The illustrious person to whom he had before alluded, who in 1788-9 sat in the Cabinet with others, whom he should ever regard with sentiments of affection and esteem, proclaimed to that House a total and complete suspension of all functions of the

Executive. The men who conducted the affairs of Government at that period, it would hardly be insinuated, were men quite ignorant of the laws and constitution, or quite regardless of the interests of their country. He was decidedly clear, that on every emergency similar to the present calamity, if Parliament were within reach, it ought to be assembled with the least possible delay. This principle he applied to unforeseen emergencies: nothing short of the strongest necessity could justify any one act or deed which, constitutionally, must emanate from the Crown, under the circumstance of the Royal incapacity. But had Ministers shewn that any necessity whatever existed? Yes, a necessity of their own creation, a necessity sought for, and voluntarily adopted by themselves. These men, so properly entitled usurpers, made a necessity, under which they would hereafter come and ask indemnity, for having robbed the Crown and Parliament of their rights. He considered their conduct therefore in these two points of view; first, as violating that radical principle of our laws, by which the Executive authority of the realm is vested solely in the Crown: and, secondly, as contravening the resolution for the second time now submitted to the two Houses.

He did not pretend to know in how many instances Ministers had thus trampled on the Monarchy and the Constitution; he spoke of what he had heard, and it was possible that others of a still graver nature, and involving still more serious consequences, might come to light. What if it should appear that they had assumed the custody of the King's person? If, after stating, and justly stating, that the Prince of Wales was not the person to whom, legally speaking, the care of the King's person ought to be confided, they had taken that care upon themselves? What must be the feelings of Parliament and of the country, if this should have been done, not in compliance with the wishes of the Royal Family, but against them? And if it should appear that these uncontrouled sovereigns, who would impose restrictions on the Regent, that Regent being the heir-apparent to the Throne, have taken from the Royal Family that which is the established right of every family in the kingdom, the care and custody of their relatives previous to the interference of the Court of Chancery?

Through that Court, the select asylum provided by the Constitution for the protection or persons labouring under

mental infirmity, all classes of his Majesty's subjects were in a state of security; and it was just that, whenever his Majesty was visited with so severe an affliction, Parliament should be to him a Court of Chancery, and should extend to his Royal Person a reciprocal protection. Before provision was however made by Parliament for this purpose, there could be no doubt in any man's mind, that the guardianship of his Majesty belonged of right to his nearest and dearest relatives. Ministers might be ready to say that they would trust to their responsibility; and indeed it was a great and awful responsibility; but the laws of the country were not to be systematically violated upon pretence of that responsibility. The House was bound to interfere and prevent it. Had they forgotten that the disposal of the military force was among the most momentous and sacred rights of the Executive? That it had been once the subject of contention between the Crown and Parliament? This prerogative, granted with so much difficulty and hesitation, of such vital importance to the safety and welfare of the state, Ministers had dared to usurp and exercise, in equal contempt of what was due to the Throne and to the kingdom. There was another circumstance in which the peculiar privileges of Parliament were directly invaded, he alluded to the subject of taxation. The King himself had no power of levying or remitting duties without consent of Parliament. Did those men opposite to him understand the laws of their country, he meant laws of their own making, in their late arrangements respecting the Distillery Bill? Did they in the plenitude of their Royal authority conceive that the introduction of the name of Parliament was a sufficient sanction to an act which could only be legally done by its express authority? If the distillers, trusting to this agreement between them and the government, conduct their speculations and affairs accordingly, in what situation must Parliament be placed? Either it must be compelled to legalise and sanction this unauthorised proceeding of ministers, or it will inflict incalculable distress on a great number of individuals. What would the House be disposed to say if at that very moment those ministers were considering whether or not they should put the privy seal to an act, which is to give them a million and a half of money? He did not know whether this was done; but if done, and not pursued by the vengeance of Parliament, *(Hear!)* he would say that the

character of Parliament was gone, that it would merit the reward of general indignation. He stated as a positive fact, that the ministers had had it in contemplation to apply to Parliament for authority for this purpose, but, afraid that this application might be unsuccessful, had either done it or determined to do it clandestinely.

The Lord Chancellor said, that he had sat in Parliament, a member of the other House, in the years 1788-9, and had then supported the doctrines still defended by the noble lord (Grenville). After the precedent established at that period, he could feel no doubt and no reluctance as to the course prescribed to him on the present occasion, or to execute the duties which it imposed. Two opinions had been at that time entertained, both of a very opposite nature, and both supported by great authority. That the Prince of Wales ought to be sole Regent, was then, as it is now, a sentiment in which all parties in Parliament concurred. He used the term Parliament, for notwithstanding all that had been said as to their being nothing more than a convention of the estates, it was his opinion that they were decidedly a Parliament. They had been prorogued under that title by his Majesty, who had directed them to reassemble at a future day. They had so re-assembled under this title, and in obedience to that command.—In the year 1788, some conceived, as on the present occasion, that the proceeding by Address was the preferable mode, while others rather approved of a Bill in the first instance. The true doctrine of the Constitution, the distinction between the politic and natural capacity of the Sovereign was then ably supported by many distinguished lawyers who now slept in the aisles and sepulchres of mortality, and who, if alive, would now maintain what then was the firm conviction of their minds. Another great man, to whose talents he was ready to do justice (Lord Loughborough), had asserted a contrary doctrine; and he doubted not, that if that noble person were also living, we should witness a similar adherence, on his part, to his former opinions. With respect to what he had heard that night urged against every legislative proceeding that involved a fiction, was it possible that noble lords should overlook the dangerous extent to which such an argument might be carried? Such an argument might affect the course of judicial administration, and even the private property of every man who heard him *(Hear!)*. If commissions to call Parliament

together were issued without the King's authority, this must be done by a fiction. The judges in courts of law were bound to look only at the political capacity of the Crown, they could know of no natural or temporary incapacity, and the course of justice was thereby uninterrupted. In the instance of justices of the peace, names were not inserted in the Commission till six or seven years after the appointments had been made.

With respect to the Commission in 1788, the proceedings of the Commissioners on that occasion were ratified by the sanction of the Commissioners afterwards appointed by his Majesty on his recovery. We know that on the 10th of March 1789, these new Commissioners came down to the Parliament, and, after reciting his Majesty's Commission, sanctioned with his authority the steps which had taken place during his incapacity. We cannot then now entertain a doubt, that the proceedings of the House in 1788, having received this sanction, is the clear parliamentary course which we are imperiously called upon to follow. He stated that the principle upon which Parliament acted during the minority of Henry the VIth, was the avowed necessity of the case. The King, from his infancy, was then unable to exercise the functions of the Royal authority, but he still existed in his political capacity. Their lordships would then find, however, that almost all the great officers of the Crown were appointed by Parliament itself; for the Commissioners at that time acted under great disabilities. He stated, that as there was a necessity for placing some persons to act in any emergency like the present, whatever may be the capacity of those persons who act in such an emergency, as the political capacity of the King must be considered as entire, they must carry on during the necessary interruption the ordinary functions of the Executive. Alluding to the precedent of the Revolution, his lordship stated the difference between declaring the Throne vacant, and the appointing a person to fill up any temporary interruption of the Royal authority. The nation yet looked anxiously to the period when his Majesty should be able to resume the Royal functions: they had the experience of half a century, that he had nothing so much at heart as the interests of his people; and that he could do nothing contrary to that people's interests. With respect to the great seal, he agreed with a noble lord, who stated that it was not the silversmith or engraver who made that instrument, that

could give it authority; but that it received that authority from the King and his Council. He then alluded to the act of attainder of the Duke of Norfolk, on which some stress had been laid by the other side of the House. There were circumstances peculiar to that case; that Act passed in the 33d year of the reign of Henry VIII. and on the very night before he died. It is stated in the Act of Philip and Mary, by which the attainder is set aside, that the seal was not put to the bottom, as usual in such cases, but at top; so that considerable difficulty arose, whether it could be said, that the great seal had really passed. Though this Act of Attainder was subscribed apparently by Henry VIII. yet it was said, that he could not, in the situation in which he then was, have written so good and strong a hand, and that the subscription was in reality the work of one William Clark. The Act of Philip and Mary declares the Act of Attainder to be void and of no effect, for the reason that every exercise of the Royal authority ought to take place in the King's presence, or by his Commission, according to an Act passed in the 33d year of Henry VIII. and the Duke of Norfolk and his heirs are thereby declared to be in the very same right as if no such Act had passed: but this Act was merely a reversion of the attainder of the Duke of Norfolk; and a proviso was inserted, that the proceedings which took place during the reign of Henry the Sixth, were not to be considered as affected by it. The case of King Henry the Eighth would by no means apply to the period of 1788, and to the present period. In that case a King who could have signed with his own hand, did not sign with his own hand; but could any man say that this applied to another case, where the King could not sign? He stated, in answer to what fell from a noble baron (Lord Grenville), that the Commission of 1788 and 1789, or a Commission of the present day, was a legal Commission; that the courts of Westminster Hall were bound to consider it in the light of a legal Commission; and that these courts could not take it upon them to discuss the authority from which such Commission flowed, but were bound to consider the Royal Authority as still existing. With respect to the accusations which had been brought forward against him, of attempting to conceal from the nation the state of his Majesty's health, he appealed to the House if the language he had used on the first night on which he addressed them on that subject, was not completely borne out by the evidence

which had been laid before them. He hoped it would be found that he had acted with all the caution and deliberation which an affair of so much moment demanded, and that he had neither over-stated, nor under-rated, what it was his duty to state to their lordships. He could freely take upon him to say, that to the best of his judgment he had discharged his duty on legal and constitutional grounds. Surely it was necessary to proceed with great caution on an emergency like the present. They could easily get ten men to fill their stations; but who could fill the office of our Sovereign Lord the King? My lords, said his lordship, there is not a Jacobin in this country who will not on the present occasion pardon your error. We are told, that we are arrogant men—that we are usurpers—Do you mean to say, that his Majesty shall have this delay, and yet that the functions of the government shall not go on? Much had indeed been said by a noble baron (Lord Grenville) in accusation of the conduct of the Ministry. For his part, he would not condescend to notice what was stated, merely from loose and indefinite reports in circulation. He hoped the country would give the Ministry credit for acting with the very best intentions at a most difficult crisis. *(Hear!)* God help the man, said his lordship, who has an eye to that situation. *(Hear!)*. We are told, that we have no talents—that we have no judgment—that we are unfit to be entrusted with the affairs of the nation. He hoped their lordships would first look back to those whom they should admire, before they passed censure on the conduct of the present Ministry. *(Hear!)* For his part, the great seal was entrusted to him by his Majesty, and he would not therefore give it up till he knew that some one was legally appointed to receive it out of his hands.

Lord Erskine said that he had listened attentively to all the arguments that had been advanced by the noble Secretary of State, and also to those which had been urged by his noble friend near him (Lord Grenville). In the justness of most of the positions laid down by his noble friend, he concurred; but in the inferences which had been deduced from those positions, he could not so readily concur. The case of the Duke of Norfolk's attainder appeared to his mind to admit of a very different construction from that put on it by his noble and learned friend on the woolsack; it was considered as null and void, which proved that seals and signets were nothing unless when affixed mediately or immediately

by the Crown—unless the effect of the Royal sanction can be imparted to them. The question now was, how was that effect to be given? Many precedents had been cited by the noble lords opposite, but not one of them was a precedent to do that which was proposed now to be done. (Here the noble lord finding himself unable to proceed, in consequence of a sudden bleeding from the nose, was obliged to sit down.)

Lord Lauderdale, after expressing his regret at the interruption which his noble and learned friend had met with, proceeded to advert to the objections which had been made to the amendment. His noble friend (Lord Grenville) had said, that take which mode of proceeding they might, whether Address or Bill, that still they would both come to the same difficulty, and that even the Address itself hinted at the necessity of future proceeding by Bill. But he (Lord Lauderdale) thought there was an essential difference between the two modes; in the way by Bill, the two Houses of Parliament, without the intervention of a third person, took upon themselves to exercise one of the Royal function; whereas in the way of Address, there was no such direct assumption; a third party was made to interpose between the two Houses and such an assumption, and the Regent having in himself the power of asserting or denying, the integrity of the Monarchy was thereby preserved. The question between both ways of proceeding was, had the two Houses the power of putting the great seal to an act of Parliament? The noble and learned lord on the woolsack had said, that he thought the precedent of 1788 conclusive upon the question of Bill or Address; but what was the necessity?—To enable the Executive to act—not to act for the Executive. He should put a case to their lordships:—If he had a right to present to a living, he as patron might, on a vacancy, present a clergyman to the living; but did that right of presentation give him the right of going himself into the living, ascending the pulpit and discharging the functions of a clergyman?—*(Hear! hear! hear!)* Neither did the law of Parliament, which was to be found in the usage of Parliament, authorise the two Houses to assume the exercise of the functions of the kingly power. The case already alluded to was tried before the twelve judges of the land, in Serjeant's Inn; their opinion of that case, respecting the *certiorari*, was to be found in Plowden, and proved that in all cases, to give seals or signets legal

efficacy, they must be the act of the kingly power. The noble and learned lord had also referred to the Restoraton, that also was a case of necessity, and the unfortunate nature of necessity was such, that those who act upon it are alone the judges of it. Their lordships, however, well knew that at that time there were great efforts made to get possession of the great seal. Their lordships could find in their own journals a long account in Mr. Annesley's Report upon the use of the Great Seal; but in all that was said of it at that time, no man ever thought of investing both Houses with a right of putting it to an act of Parliament. It had been said, that the difficulties respecting that period were owing to the change of the government from a Republic to a Monarchy; but this was not the reason, since their lordships must know, that in an earlier reign, King James the First absolutely carried on the government with the great seal of Scotland—that of his predecessor Elizabeth, having been lost or mislaid; again, when a question was submitted to the judges, respecting the appointment of *Custodes Regni*, and concerning the validity of a Commission, they declined giving any answer to the first, being too high for their opinion; but as to the second, they said that a Commission might hold good, if fortified by an act of Parliament; which was saying, in other words, that without that act of Parliament, such Commission would be null and void. It was the necessity gave the power, and it was the necessity should limit it. He would conclude with one observation, that if there was one act above all others which required the personal exercise of the King's authority, it was that of giving the Royal assent to Acts of Parliament. Before he sat down he could not help saying one word as to the restrictions. He thought that the enacting of restrictions to any extent would be an act of traitorism to the country; it would indicate a want of feeling on the part of the two Houses, towards the wishes of the people, perhaps unexampled. The noble lord had talked of the voice of the people being with them as to the delay which had taken place; he was confident that if the two Houses passed any restrictions, the voice of the people would be loud throughout the country against them.

Lord Redesdale considered the precedent of 1788 as the rule of the Constitution, and argued that an Address could confer no power on the Regent.

Lord Holland wished to know the course of proceeding intended to be adopted in case the amendment was negatived,

and the resolution agreed to, as in that event it was his intention to move his amendment, *pro forma*, upon the report, in order to have an opportunity of recording his opinion. His lordship also took the opportunity of stating that his noble friend who was absent completely concurred with him in his amendment.

The Earl of Liverpool said it was intended to take the report into consideration to-morrow, and to sit on Saturday, to desire a conference with the Commons, to communicate to them the decision of the House.

The Marquis of Lansdowne asked to what day it was intended on Saturday to adjourn.

The Earl of Liverpool answered, to Wednesday next.

The House divided on the amendment,

Contents - - - - - - - - -	74
Non-contents - - - - - - - - -	100
Majority - - -	25

Adjourned at half past two o'clock, till to-morrow.

LIST OF THE MINORITY

IN THE HOUSE OF PEERS ON THIS OCCASION.

DUKES.
York
Clarence
Cumberland
Sussex
Cambridge
Glocester
Norfolk, E. M.
Somerset
Bedford

MARQUISSES.
Winchester
Lansdowne
Stafford
Hertford
Headfort

EARLS.
Stanhope
Spencer
Carlisle
Abergavenny
St. Vincent
Suffolk
Jersey
Thanet
Fitzwilliam
Tankerville
Ilchester
Donoughmore
Essex
Albemarle
Rosslyn
Coventry
Lucan
Charlemont
Cholmondeley
Scarborough
Cowper
Peterborough
Waldegrave

VISCOUNTS.
Hereford
Hampden
Lake

BARONS.
Holland
Boyle (E. of Cork)
Lauderdale
Hastings (E. Moira)
Lilford
Ailsa (E. of Cassilis)
Dundas
Erskine
Yarborough
King
Hutchinson
Gwydir
Stawell
Ponsonby (E. of Bessborough)
Clifton (F. Darnley)
Dutton (M. of Douglas)
Say and Sele
Upper Ossory
Mendip (V. Clifden)
Grantley
Keith
Dawnay (V. Downe)
St. John
Ponsonby of Imokilly
Butler (E. of Ormond)
Carysfort
Granard
Hawke
Foley
Alvanley
Thurlow
Seaforth
Heathfield

[We have inserted the names and titles of those who voted in the minority, contrary to our usual custom, because we apprehend there never was so large a division in the House of Peers, of those who actually attended. We shall also insert the protest of the Princes in answer to a communication made to the Prince of Wales, by Mr. Perceval. It is a document worth preserving.]

PROTEST,

BY ALL THE ROYAL DUKES, AGAINST THE PROPOSITION SUBMITTED TO THE PRINCE OF WALES, FOR LIMITING AND RESTRAINING HIS ROYAL HIGHNESS IN THE EXERCISE OF THE PREROGATIVE, WHILE CALLED UPON TO DISCHARGE AS REGENT THE ROYAL AUTHORITY.

"SIR,

"The Prince of Wales having assembled the whole of the male branches of the Royal Family, and having communicated to us the plan intended to be proposed by his Majesty's Confidential Servants, to the Lords and Commons, for the establishment of a restricted Regency, should the continuance of his Majesty's ever-to-be-deplored illness render it necessary; we feel it a duty we owe to his Majesty, to our Country, and to ourselves, to enter our solemn Protest against measures we consider as perfectly unconstitutional, as they are contrary to and subversive of the principles which seated our Family upon the Throne of this Realm.

(Signed)
FREDERICK
WILLIAM
EDWARD
ERNEST
AUGUSTUS FREDERICK
ADOLPHUS FREDERICK
WILLIAM FREDERICK.

Wednesday night, 12 *o'clock*, *Dec.* 19, 1811,
R. H. Spencer Perceval, &c. &c. &c.

ANSWER.

"Mr. Perceval has the honour of acknowledging the receipt of a solemn Protest, in the name of all the male branches of the Royal Family, against the measures which his Majesty's confidential servants have thought it to be their duty to communicate to his Royal Highness the Prince of Wales, as intended to be proposed to the two Houses of Parliament, for the establishment of a restricted Regency during the continuance of his Majesty's ever-to-be-lamented indisposition: and stating that their Royal Highnesses consider these measures as perfectly unconstitutional, as contrary to and subversive of the principles which seated his Majesty's Royal Family upon the Throne of this Realm.

"Mr. Perceval has felt it to be his duty to submit this communication without loss of time to his Majesty's servants; and deeply as they lament, that the measure which they have thought themselves bound to propose, shall appear to their Royal Highnesses to deserve a character so directly contrary to that which it has been their anxious endeavour should belong to it, they must still, however, have the consolation of reflecting, that the principles upon which they have acted obtained the express and concurrent support of the two Houses of Parliamet in the years 1788 and 1789: that those Houses of Parliament had the high satisfaction of receiving, by the command of his Majesty, after his Majesty's recovery, his warmest acknowledgments for the additional proofs they had given of their affectionate attachment to his Person, and of their zealous concern for the honour and interests of his Crown, and the security and good government of his dominions; and that the uninterrupted confidence which his Majesty was pleased to repose, for a long series of years, in the persons who proposed the measures which were grounded on those principles, entitles

his Majesty's servants, in their judgment, still further to conclude, that those principles and measures had the sanction of his Royal approbation.

Downing-Street, Dec. 20, 1810."

His Royal Highness the Duke of York, &c. &c. &c.

HOUSE OF LORDS,

FRIDAY, DECEMBER 28.

STATE OF THE NATION—REGENCY.

The Report of the Committee on the State of the Nation was brought up, and the earl of Liverpool moved the reading of the first resolution, which passed *nem dis.*

The noble earl then moved the reading of the second resolution, which was passed by a majority without a a division, (some Peers saying—Not content).

On the reading of the third resolution,

Lord Holland rose, in consequence of what he had stated the night before, to move an amendment on the report of the Committee, for the purpose of having it appear on the journals of the House. This amendment was the same as that which his lordship had moved in the Committee last night, leaving out all the resolution after the word "That," and proposing an address to his Royal Highness the Prince of Wales, &c.

Lord Erskine rose and said, that he should not take up their lordships time at any length; but he wished to say a few words on a subject of such magnitude and moment as the supplying the unfortunate defect of the kingly office, and the mode of proceeding in the appointment of a Regency, from which he was prevented last night in the Committee by indisposition. After having fully and fairly considered the whole of this great question, he had been able to see no reasons for altering the opinions he had previously entertained upon the subject. He differed much from those noble lords who thought that a provision upon this point should be made by Parliament in order to meet the unfortunate recurrence of a calamity similar to that which at present afflicted the King, and distressed the country. He thought it was a matter of much regret that hitherto Parliament had

made no provision of the kind. On the difference of the modes of proceeding by Bill, or by Address, he had not a doubt respecting their comparative merits. The mode by Bill was tedious and circuitous: that by Address, short, easy, and effectual. The precedents that had been quoted, his lordship contended, did not establish the arguments and principles, to support which they were quoted. Even that precedent from the case of the Duke of Gloucester, in Henry the Sixth's reign, was not sufficiently in point. In the case of the Royal demise, the Prince of Wales ascended the throne of right. In the present case, he should not enter into the arguments on the subject of right, or irresistible claim. Admitting the right and duty of Parliament to supply the defect, he had no objection whatever to the words of the second resolution, although, perhaps, he should not have drawn it up exactly in those words. But there was a most material difference with respect to the conclusions drawn in the third resolution, and the opinions he entertained. In proceeding by Address, Parliament would only *confer* a power; in passing the proposed Bill, Parliament would *assume* a power. He differed from his noble and learned friend on the woolsack, concerning what had been said by him and others, about the necessity of proceeding by Bill, in order to ensure attention and obedience to their measures in the King's courts of law. He contended that Parliament had only to vote the proposed Address, then to bring in a Bill, to which the Regent would give his assent, (the Bill being in conformity to the Address) and the most perfect validity and force would be given to the whole. The independence of the throne was essential to the Constitution of the land; but in the mode of proceeding by Bill, that independence was quite lost sight of. In every respect, therefore, he was convinced, that the Address was the safest and most compendious way; and the most advisable on the score of the analogies of the Constitution. He lamented as deeply as any man the calamity that had befallen his Majesty, and ardently hoped for his speedy recovery, and resumption of his Royal Authority. The noble and learned lord made various other observations in support of his opinion, and concluded by stating his hearty concurrence in the measure of an Address.

The Earl of Darnley spoke for some time in support of the Address, and against any restrictions.

Lord Kenyon said a few words in favour of the proceed-

ing by Bill, and, as we understood his lordship, of certain temporary limitations.

The question was then, after some conversation between the lord Chancellor and earl Stanhope, put and carried, without a division, on the third resolution.

Adjourned till Monday.

HOUSE OF COMMONS,

FRIDAY, DECEMBER 29.

STATE OF THE NATION—REGENCY.

The House met at four o'clock, according to the last adjournment.

Several members obtained, on motions for that purpose, leave of absence for the different periods requested by each.

The Chancellor of the Exchequer rose and said, that the chief reason for the House meeting to-day was, for the purpose of being ready to receive any communication that might be sent from the other House. Understanding that nothing was ready, and that there would be time on Monday to hold their conference with the Lords, so as to introduce the resolutions relative to supplying the vacancy in the Royal authority on the meeting of the House that day, there would, he conceived, be no necessity to trouble the House to meet on Saturday. It was, therefore, his intention to propose that the House do now adjourn to Monday.

Mr. Tierney requested to know, supposing every thing to take place as the right hon. gentleman had stated, whether it was his intention to bring in his resolutions in the same state exactly as they had passed formerly that House, or whether he had since thought of any modification or alteration.

The Chancellor of the Exchequer answered, that if gentlemen would read the resolutions agreed to in 1789, they would in them see the prototype of those now to be brought in; and he did not mean to make any alteration in them, excepting as to the time of the duration of the restrictions on the Regent, which would be for a time to be limited.

Mr. Adam asked, in a low voice across the table, whether the time of the restriction would be mentioned in the resolutions.

The Chancellor of the Exchequer replied, that the time would not, and indeed could not be mentioned in the resolution further than a time to be limited. In the Bill to be brought in upon the resolutions, the specific period of a year would be mentioned. It was intended that the period of restriction should expire on or about the anniversary of the day on which the Bill should pass; and it would be so managed, that Parliament should meet six weeks before the expiration of the Act, so as to be sitting at the time. Gentlemen, however, would have time to consider all these points when the Bill was brought in, which would certainly be done as early as it could conveniently be.—The House then adjourned to Monday.

HOUSE OF LORDS,

MONDAY, DECEMBER 31.

STATE OF THE NATION—REGENCY.

On the motion of the Earl of Liverpool, a message was sent to the Commons, desiring a present conference on the subject matter of the conference had on the 22d instant.

On the return of the two Masters in Chancery sent with the message, (Mr. Harvey and Mr. Cox), Mr. Harvey reported the consent of the House of Commons to a present conference.

Shortly afterwards Mr. Quarme, the Deputy Usher of the Black Rod, came to the bar, and announced that the Commons were waiting a conference in the Painted Chamber.

The following managers of the conference were appointed:—The Lord President (Earl Camden), the Lord Privy Seal (Earl of Westmoreland), Earl Graham (Duke of Montrose), Earl Harcourt, the Earl of Liverpool, the Earl of Glandore, the Earl of Harrowby, Lord Viscount Wentworth, the Bishop of Killala, Lord Walsingham, and Lord Mulgrave, who went forth to the Painted Chamber.

On their return soon afterwards, Earl Camden reported that they had communicated to the Commons the Resolutions agreed to by the House on Friday last.

Adjourned till Wednesday.

PROTESTS.

ON THE REJECTION OF THE PREVIOUS QUESTION MOVED ON THE SECOND RESOLUTION.

1. Because it is always unwise, and often unsafe, to assert abstract principles, on the truth of which the proceeding proposed to be adopted does not exclusively rest: and on the present occasion, it seems peculiarly unnecessary to exact a compliance with speculative and questionable premises, to establish a conclusion, in which all seem practically to concur.

Those who have regarded the Prince as having a right to assume the Royal functions on the declared incapacity of his Father, have always held that the exercise of that right could not be called into activity, otherwise than by the adjudication of the Estates of the realm.

Those who have maintained a right in the two Houses, have admitted the expediency of conferring the appointment on his royal highness the Prince of Wales.

Finally, those who deny any positive legal right, either in the Prince to assume, or the Estates to confer the exercise of the Royal Authority, do nevertheless approve of the Estates offering, and of the Prince accepting, the office of Regent on the present melancholy occasion.

To select, therefore, topics of disagreement, among men who are disposed to concur in the practical conclusion of supplying the defect in the exercise of the Royal functions, by a Regent, in the person of his royal highness the Prince of Wales, seemed to us repugnant to the maxims of prudence, and directly at variance with those examples of moderation and temper, which, at remoter periods of our history, as well as at the glorious Revolution of 1688, had been held out to us by the conciliatory policy and wisdom of our ancestors.

2. Because the agitation of the question was calculated to produce delay; and delay, in supplying the means of exercising the Royal Authority, must either be injurious to the public service, or subversive of the Constitution of this kingdom. For the functions of the Executive government cannot be discontinued during a period of extensive war and great national embarrassment, without injury to the public

welfare; and the duties of the Kingly office cannot, on the other hand, be discharged by those who usurp the Royal Authority, unsanctioned by the laws, the consent of the Estates, or the knowledge of their Sovereign, without imminent danger to the Constitution of the country.

CUMBERLAND	HOLLAND
CLARENCE	JERSEY
KENT	LAUDERDALE
SUSSEX	PONSONBY
GLOSTER	BEDFORD
CHARLEMONT	ALBEMARLE
GRANARD	KEITH
YARBOROUGH	UPPER OSSORY
ERSKINE	HASTINGS
FITZWILLIAM	DUNDAS
HEREFORD	AILSA
THANET	SPENCER
DONOUGHMORE	NORFOLK
SOMERSET	SAY AND SELE
DUTTON	ROSSLYN
SCARBOROUGH	GRANTLEY
CHOLMONDELEY	HUTCHINSON
CARLISLE	SUFFOLK AND BERKS.
STAFFORD	

ON THE REJECTION OF THE AMENDMENT TO THE THIRD RESOLUTION.

1. Because no objection has been urged to the Amendment, which does not in greater force apply to the original Resolution, and to every method that can be devised for supplying the defect of the personal exercise of the Royal Authority in the present emergency.

2. Because an Address, such as is proposed in the Amendment, is conformable to the practice of our ancestors at the glorious æra of the Revolution, who, before they declared the Throne to be vacant, requested the Prince of Orange, by Address, to continue to administer the government of the country; and after declaring the vacancy of the Throne, did, by declaration, proceed to an immediate revival of the Royal Authority.

3. Because an Address to his royal highness the Prince of Wales is the most plain, direct, and above all, expeditious method of supplying the defect in the exercise of the Royal Authority; and is free from all appearance of fraud, as well as the assumption of powers not vested by the Law and Constitution of our country, in the two Houses of Parliament.

4. Because, though we have heard it argued in debate, that the mode as proposed, of proceeding by Bill, afforded stronger security for the concurrence of his royal highness the Prince of Wales, in such measures as the wisdom of the two Houses may recommend, for the care of his Majesty's person, and for the reputation of the Regent's authority, we have hitherto learned from no one, that there existed any circumstance in the station or character of his royal highness the Prince of Wales, which could suggest the propriety of desiring stronger security than our ancestors exacted from the Prince of Orange, for his concurrence in such laws as they deemed necessary for the maintenance and safety of the liberties of the people.

5. Because, if we were capable of entertaining the unfounded suspicion, that his royal highness the Prince of Wales had an inclination to withhold his assent to such measures as the two Houses of Parliament were disposed to suggest, for the security of his Majesty's person, or for the regulation of the Regent's authority, we should be of opinion, that his Royal Highness, accepting the power of conducting the Government in consequence of an Address, in which such regulations are stated, would afford better security than an Act of Parliament, which, if passed in the manner proposed, must at least appear to us of doubtful effect, after the Legislature has declared the act enacting the attainder of the Duke of Norfolk to be void and null—the Commission under which it was passed not having been signed by his Majesty's hand, or having the usual words indicating the Royal Assent.

CLARENCE	NORFOLK, E. M.
KENT	THANET
SUSSEX	DUTTON
GLOSTER	CLIFTON
YORK	GRANTLEY
CUMBERLAND	ERSKINE
CAMBRIDGE	FITZWILLIAM

HEREFORD	KEITH
SAY AND SELE	UPPER OSSORY
DONOUGHMORE	HASTINGS
SPENCER	DUNDAS
LANSDOWNE	AILSA
CHOLMONDELEY	CHARLEMONT
SCARBOROUGH	GRANARD
STAFFORD	YARBOROUGH
VASSAL HOLLAND	HEADFORT
JERSEY	BUTLER
LAUDERDALE	ROSSLYN
PONSONBY	HUTCHINSON
BEDFORD	SUFFOLK AND BERKS
ALBEMARLE	CARLISLE.

AGAINST THE THIRD RESOLUTION.

1. Because the proposal contained in the Resolution, as explained in debate—that the two Houses should direct the Royal Assent to be given by a Bill or Bills under a Commission, to which the Great Seal, by their direction and authority, is to be affixed—seems to us a solecism in language, and a violation of the common and statute law of this kingdom.

If the assent is given by the direction of the two Houses of Parliament, without any person being empowered to give or withhold, at his discretion, that assent, it is in substance the assent of the two branches of the legislature to their own act; and it can neither deserve the name, nor obtain the authority of, the assent of the King, or of any person representing, on his behalf, the third branch of the legislature.

By the statute of the 33d of Henry VIII. and more expressly by the 1st of Queen Mary, session the 2d, it is provided, declared, and enacted, "That the Royal assent or "consent of the King or Kings of this realm to any Act of "Parliament ought to be given in his own Royal presence, "being personally present in the higher House of Parliament; or by his letters patent under a great seal, "*assigned with his hand*, and declared and notified in his "absence to the Lords Spiritual and Temporal, and the "Commons assembled together;"—and the omission of the usual words in the Commission, and the substitution of the King's Stamp for his Royal Signature, are, by the statute of

Queen Mary, declaring the attainder of the Duke of Norfolk of none effect, deemed sufficient to render void and null the assent given under that Commission, although the great seal was annexed thereunto.

By the 13th of Charles II. it is further declared, that no act or ordinance with the force or virtue of a law can be made by either or both Houses of Parliament.

We conceive, therefore, on the one hand, that a Commission so created, and so limited, can never, by any fiction of law, or annexation of seal, convey the Royal assent in defiance of the obvious meaning of language, and the strict and legal definition of the term,—and, on the other hand, till the Royal assent be obtained, we cannot, in violation of the fundamental principles of the Constitution, and in the face of a declaratory statute, give to the act or ordinance of two branches of the legislature only, the force and virtue of a law.

2. Because in no instance, while the government of this country has been acknowledged to be in King, Lords, and Commons, has any statute or law been enacted without the concurrent assent of the three branches of the legislature.

3. Because the proceedings of the two Houses in 1788 are incomplete, and cannot therefore be entitled to the weight and authority of a constitutional precedent.

The adherence to precedent, so wisely enforced by the theory and practice of our Constitution, is justified by considerations which cannot attach to incomplete transactions, viz. the union of authority and experience, and a confidence in the wisdom of a design founded on a view of the benefits resulting from the execution of it.

The opinions therefore of the majorities and minorities of 1788-9 deserve such attention as the respective number and characters of those who composed them are calculated to command; but they cannot obtain the force and value of a constitutional precedent, which can only be conferred on a measure by the practical knowledge and experience of its effects.

4. Because the conduct of the Irish Parliament in 1789, forms as binding a precedent, and affords as salutary an example to the two Houses of the Imperial Parliament, as the proceedings of the Estates of Great Britain on the same occasion—and the two Houses of Parliament in Ireland con-

cured in a joint Address, requesting his royal highness the Prince of Wales "to take upon him the Government of the "Realm of Ireland, during his Majesty's indisposition"—and "to exercise and administer, according to the laws and "constitution of that kingdom, all Regal powers, juris-"dictions, and prerogatives, to the Crown and Government "thereof belonging."

CLARENCE	DUNDAS
SUSSEX	AILSA
GLOSTER	HEADFORT
KENT	BUTLER
YORK	CHARLEMONT
CUMBERLAND	GRANARD
CAMBRIDGE	YARBOROUGH
For 3d, 3d, and 4th Reasons	UPPER OSSORY
LANSDOWNE	ERSKINE
HOLLAND	FITZWILLIAM
JERSEY	THANET
LAUDERDALE	HEREFORD
PONSONBY	DONOUGHMORE
BEDFORD	SPENCER
ALBEMARLE	NORFOLK, E. M.
KEITH	DUTTON
HASTINGS	ROSSLYN
GRANTLEY	CLIFTON
CHOLMONDELEY	HUTCHINSON
SUFFOLK & BERKS	STAFFORD
CARLISLE	SCARBOROUGH

HOUSE OF COMMONS.

MONDAY, DEC. 31.

STATE OF THE NATION—REGENCY.

The Speaker having taken the chair, a message was received from the lords, desiring an immediate conference in the Painted Chamber, on the subject matter of the resolutions communicated to their lordships on the 22nd inst. A Committee was appointed to conduct the same on the part of the Commons; and on their return, *Mr. Spencer Stanhope*, as Chairman, stated that the lords had agreed to the said resolutions without any amendment.

The names of the defaulters were called over; *Mr. Owen* was the only member ordered into custody of the Serjeant at Arms.

The order of the day for calling over the House was discharged until Monday next.

The House, on motion, having resolved itself into "a Committee on the State of the Nation,"

The Chancellor of the Exchequer rose and stated, that the resolutions, declaring the King's incapacity to exercise the Royal functions, the right and duty of both Houses to provide for the deficiency, and the mode of supplying that deficiency by means of a Bill, having been agreed to by the Lords, it now remained for the Commons to consider of the measures that were proper to be adopted to supply the defect in the Executive government. On a former occasion, in stating his view of this important subject to the House, he mentioned that it was his intention to follow, as nearly as circumstances would allow, the proceedings that were adopted in 1788. He then stated, that it would be his duty to submit a proposition to the House, calling upon his royal highness the Prince of Wales to take upon him the exercise of the Royal authority, subject to certain restrictions in the use of it, and which restrictions it was intended should be limited in point of duration. That duty he now rose to discharge. The restrictions he had to propose were few in number. He would propose in the first place, that the Regent should not have the power of creating peers; in the second, that he should be debarred from granting places or pensions for life; and the third restriction would apply to making provision for the custody of his Majesty's person, which he would propose should be confided to the Queen, and a Council nominated to assist her. He would now, with the leave of the Committee, read the first of the series of resolutions he intended to propose, which he did as follows:—

"Resolved, That for the purpose of providing for the exercise of the Royal authority during the continuance of his Majesty's illness, in such manner, and to such extent, as the present circumstances and the urgent concerns of the nation appear to require, it is expedient, that his Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the Royal authority, according to the laws and constitution of Great Britain, in the name, and on behalf of his Ma-

jesty, and under the style and title of Regent of the Kingdom'; and to use, execute, and perform, in the name, and on the behalf of his Majesty, all Authorities, Prerogatives, Acts of Government, and Administration of the same, that belong to the King of this Realm to use, execute, and perform according to the law thereof, subject to such limitations and exceptions as shall be provided."

In laying before the Committee this or any other resolution, it would be desirable to separate as far as possible those points upon which a material, or, indeed, any difference of opinion were likely to arise, from those upon which there would probably be an unanimity. He presumed that no difference of opinion could exist respecting the propriety of conferring the Regency upon the Prince of Wales; nor upon this other point, that it would not be advisable that in the exercise of the powers so conferred, his Royal Highness should have associated with him any persons in the nature of a permanent Council. Upon these two points no difference of opinion, he presumed, was likely to arise. The points upon which such unanimity might not probably prevail, and that were likely to give rise to debate, those relating to restrictions, called for the deepest attention. It would be right to ascertain whether any restrictions were necessary; what the nature of those restrictions should be; and, lastly, to what period they were to be continued. With respect to the first point, he wished the Committee to keep in mind the nature of the duty they were called on to discharge on the present occasion. They were not called upon to supply a vacancy in the Throne, but they were called upon to supply a temporary suspension of the Royal authority; which suspension there was every reason to hope, both from the opinion of eminent medical persons and the experience of similar instances of the Royal indisposition, would not be protracted to a long period, but might shortly be put an end to by his Majesty's restoration to the full exercise of his faculties. The Committee had two very important objects to obtain: one, to provide for the security of the Crown; the other, to provide an efficient government for the direction of the civil and military affairs of the country. There was another object, also, which it would be their duty to keep in view, namely, to remove every possible obstacle to the restoration of his Majesty to the full exercise of the regal authority, whenever it should please Providence

to establish his recovery. They were not only to provide for the effectual resumption of the Royal functions, but to guard also against the creation of any obstacles to prevent the exercise of those functions, when the King should resume his authority. They should endeavour to secure both these objects; and if one of them should be found inconsistent with the other, they should maturely weigh their respective advantages and disadvantages, in order that they might be able to adopt that which was likely to be most beneficial, or at least less injurious to the interests of the state. In the former discussion it was maintained by some gentlemen on the opposite side, that the energies of the Executive government would be diminished by any, even the smallest restriction. This assertion was connected with the second point of the statement, namely, the providing a Regency for twelve months and the fraction of time he had mentioned; within which time there was the strongest probability his Majesty might be restored to the full possession of his faculties, and for whom Providence might have in store many happy years of sovereignty. The restriction he intended to propose could not diminish the power of the Regent for more than a twelve-month; but any departure from it might diminish the power of the Executive government for a much longer period. The duty which devolved upon the Committee arose out of the necessity of the case. They had no right or authority to do any thing that they did not conceive to be necessary. They should therefore look to the nature of the necessity, and not go beyond it.

In discussing the propositions which he should have the honour of submitting to them, the Committee would do well to act upon general considerations. This important subject was not to be settled upon principles of confidence or personal character. They should not look to the exalted situation or numerous excellent qualities of the illustrious person who was to be invited to assume the office of Regent. They were to put the Prince of Wales entirely out of their consideration, they were to reflect how unwise and imprudent it would be, to found a precedent upon the merits of a particular individual, and not upon a sound and permanent constitutional foundation. In the history of this country, he believed there were very few instances, or rather there was hardly one, of a Regency, in which there were not some restrictions upon the power so conferred. Those

restrictions were not considered, as it was now said, an insult to the person appointed to the Regency, a degradation to the Monarchy, or an injury to the Constitution. Having first decided upon the general principle of the necessity of some restrictions, the House would have to decide whether particular restrictions were necessary. As to the argument, that the Royal authority would be endangered by cramping it in the Regency, he could not allow it that weight which gentlemen on the other side seemed to think it carried with it. Suppose it were necessary to provide a Regency for a period of six weeks, during the infancy of a Sovereign, who should attain maturity at the expiration of that period, would it be contended that it was necessary for the exercise of such a delegation of power during that time, that the person vested with it should possess the whole power of the monarchy; the right of creating peers, and granting places and pensions for life? This case was analogous to that now under the consideration of the Committee. He would not go so far as to assert, whatever his private opinion might be, that his Majesty's indisposition would expire in six weeks; but he would maintain that they were not entitled to put such gloomy colours upon the picture as not to suppose, considering the time that the discussion of these resolutions might occupy in both Houses, and the subsequent debates upon the legislative measure founded thereon, that his Majesty's indisposition might not terminate within six weeks from the day of the passing of the bill. If such restrictions were necessary in the case of infancy he had mentioned, they were no less reasonable in that now before the Committee. He was not at present arguing the nature of the restrictions, or limitations by which they were to be guarded, but the necessity of imposing some restrictions. It was possible that some difference of opinion might prevail among those who agreed with him upon the general principle, as to the limitation of the restrictions; some being for one period, some for another. It was not necessary to compare the restrictions he meant to propose with those of former Regencies: such as that in the Council attached to the Regent, particular measures should be sanctioned by different gradations of majorities. It was not his intention to be guided by any of those precedents; for it was his opinion that it would be better, and particularly in time of war, that the power delegated to a Regent should be restrained generally, rather

than that it should be subjected to a restraint by Councils.

In 1788-9, restrictions were proposed upon the prerogatives he mentioned. When he looked to that precedent—when he looked to the character and abilities of the eminent person who then took the lead in his Majesty's Councils, and whose wisdom and research struck out and matured the whole plan—although he could not hope that the whole House would go with him as to the propriety and expediency of the measures which were then pursued, he trusted that enough would be found to agree with him in the favourable presumption, that what passed then was wisely and prudently determined; and that it was much less necessary to assign reasons why such a precedent was followed than to point out why any of the restrictions then imposed were departed from. With respect to these restrictions, it would be recollected by persons now in the House, and other honourable members might have learned, that they originally had no limitation. The restriction upon the power of creating peers was, in the course of the debates on the Bill, limited to three years. Such at that time was the ignorance that prevailed respecting his Majesty's particular malady—such the discordance of opinion among his medical attendants, those who were sanguine with respect to his recovery being hardly listened to, while the general impression was, that it was a hopeless case, and that his Majesty's recovery could not be expected within a reasonable time—that the limitation of the period of the duration of the restrictions was left indefinite, as the period of the recovery was presumed to be. It was however left open to the discretion of Parliament to take up the subject from time to time, and to make such provisions and arrangements as the exigency of the case might occasionally require. In the former case, it was left to the wisdom of the Legislature to put an end to the restrictions; in this the restrictions would expire at a certain period; and they could not be renewed except by the concurrent voice of the three branches of the Legislature, and of course of that branch which was most concerned in preventing any unnecessary restraints from being laid upon the Executive government. Such being the nature and limitation of the restrictions he meant to propose, he trusted the House would agree with him, that there was nothing disrespectful to the Royal Person upon whom the Regency was to be

was unnecessary for him to shew the extravagance and fallacy of this argument. It was no reason to say, that because these prerogatives generally existed, it would be highly dangerous to the Monarchy to diminish them; that because the Crown possessed the power of creating peers, the same privileges should exist in full activity during the Regency. Nothing could be more inconclusive. During the last four years the honour of the peerage had been conferred only upon two persons, with the exception, however, of the peerages created on account of eminent naval and military services. Would gentlemen, knowing this, persist in saying that the Constitution, at least the monarchical part part of it, would be in danger; that the Executive government could not be carried on, if the Regent were deprived, for so short a period as twelve months, of the power of exercising this branch of the prerogative? The Administration, indeed, which preceded the present, was not quite so economical in this respect: although they were only twelve months in office, there were no less than eleven or twelve peers created within that time. What their reasons for lavishing this luxuriance of honours might be, it was not in his power to say; but he must contend, that the exercise of the particular prerogative under consideration was not indispensably necessary for carrying on the government. He thanked the gentlemen on the opposite side, for their candour in acknowledging that he at least during his administration had acted with considerable abstinence in the exercise of that part of the prerogative. If his Majesty's opinion in that respect had coincided with those of his confidential servants, and they had, therefore, refrained from a practice which had been said to be abused in former periods of the present reign under different administrations, it could not surely be a subject of surprise to the House, that at a moment like the present, when the powers of the King were about to be transferred to a Regent, his Majesty's present servants should be desirous to put some limitation and restriction on the exercise of that part of the prerogative which had been so often and so loudly cried out against, as having thus been abused. Some gentlemen on the other side of the House had expressed an opinion that every degree of restriction put upon the Regent, relative to the exercise of the prerogative, would be degrading the monarchy; but he begged the House seriously to consider the fallacy of that argument, and in doing so they could not but

be convinced that any restriction of the description he had mentioned, and for the very short time it was intended to take place, could not deserve such an appellation. If what he proposed went to weaken or to take away any of the prerogatives, there might be some grounds for such an argument; but in the present instance, where what is to be done is intended merely as a restriction for a short time of a part of the prerogative, for the purpose of preserving entire during that period the powers of the King, that in case he should fortunately be restored to health in six weeks or two months, he might find them undiminished, could certainly never be said with any degree of justice to degrade either the Regent or the Monarchy; nor could fairly or properly be considered in any other light than that of a wish and desire to restore the various powers of the King in such a manner as to be the least hurtful to the personal feelings of his Majesty, when capable of reflecting on the very unpleasant necessity which had occasioned the transferring them into other hands. If there was any thing in this mode of proceeding offensive to the feelings of the gentlemen on the other side of the House, he could not but regret it; but he denied, positively, that it could truly be said to be an insult on his royal highness the Prince of Wales; and he was very much surprised to hear those who talked so much of the liberties of the people, make use of such an argument. His royal highness the Prince of Wales, if appointed Regent, would enjoy that high office as a Steward or Trustee for the King; and it must be clear to every one, when such a trust was conferred, it was not only for the benefit of the King, but for the benefit of the people also. How, then, could these people say, that there was any insult in those who conferred that high office taking every reasonable and proper precaution that none of the powers entrusted to him should be misused? It was a maxim in the constitution, "that the King can do no wrong," and for this reason, that the King is supposed not do any thing without the advice of his confidential servants: the same maxim might be applied to the Regent, "that he can do no wrong;" and who can say that he may not have evil counsellors, and bad advisers, who might prompt him on to the making of new peers, notwithstanding all that had been said respecting the abuse of that power in former periods of the present reign? There was another reason struck his mind, which was, it had been said that the recovery of the King, after so

many different attacks as he had had of his present unfortunate disorder, would become more doubtful, and that the people might be less inclined to believe it (*Hear! hear!*); therefore, supposing that to be case, and that the people would be so slow to believe, might not the Regent also be slow to believe, and have greater doubts on his mind as to the reality of the King's recovery? (*Hear! hear! hear!*). The House would see, then, that they ought to be guarded, when they were transferring all the powers of his Majesty to a Regent, in fixing some kind of restriction which might prevent those powers from being misused, so that in case of his Majesty's recovery in a short time, they might be restored to him as entire as possible.

With this view it seemed to him, that at a time when the absolute necessity of the case required that powers should be given so highly important as those with which the Regent must be invested, it became peculiarly the duty of Parliament, to take especial care the Regent should not be able to misuse those powers; and particularly where the Regent is the person that is to succeed to the Crown, the utmost care should be taken to shew plainly that the power is not the Regent's, but the King's, for whom he holds it in trust. He was of opinion that the Regent, with respect to all foreign relations, should be made as strong as possible; that he should have the free use of all those prerogatives which would enable him to carry on and prosecute the war with vigour, and as much as possible to distress our enemies; but, with respect to the internal transactions of the empire, he thought great caution should be used in giving him any powers which might be misused, as that of granting pensions certainly might. Having thus opened to the House the nature of the plan he meant to pursue respecting the restrictions, he would not then trespass longer on the time of the House, but would proceed to read the remaining resolutions:

"Resolved, That the power so to be given to his royal highness the Prince of Wales shall not extend to the granting of any rank or dignity of the Peerage of the Realm to any person whatever, except to—(Persons who have rendered eminent service to the country by sea or land.)

"Resolved, that the said power shall not extend to the granting of any office whatever in reversion, or to the granting of any office, salary, or pension, for other term than during his Majesty's pleasure, except such offices as

are by law required to be granted for life or during good behaviour, and except—(An exception will here be introduced in favour of persons rendering eminent services to the country by sea or land.)

"Resolved, That the said power shall not extend to the granting of any part of his Majesty's real or personal estate, except as far as relates to the renewal of leases."

After having read the fourth resolution, the right hon. gentleman said, that he was about to read the fifth; but it having struck his mind that there was considerable probability of the debate continuing so long on some of the resolutions which he had already read, that it might not perhaps be necessary for him to go on with the fifth resolution at present *(Go on, go on, from the Opposition bench.)* As he found from the gentlemen on the other side, that they were desirous to hear the whole then, he should certainly read the fifth resolution, which he did as follows:—

"Resolved, That the care of his Majesty's royal person, during the continuance of his Majesty's illness, shall be committed to the Queen's most excellent Majesty; and that her Majesty shall have the power to remove from, and to nominate and appoint such persons as she shall think proper to, the several offices in his Majesty's household; and to dispose, order, and manage, all other matters and things relating to the care of his Majesty's royal person, during the time aforesaid; and that, for the better enabling her Majesty to discharge this important task, it is also expedient that a Council shall be appointed to advise and assist her Majesty in the several matters aforesaid; and with power, from time to time, as they may see cause, to examine, upon oath, the physicians and others attending his Majesty's person, touching the state of his Majesty's health, and all matters relative thereto."

In the course of reading the last resolution, he begged the House to understand, that the entrusting of the custody of the King's person to the Queen, was intended to continue during the whole of the Regency; but that her Majesty's power over the household was only to continue a twelvemonth. With respect to the Council to be appointed as advisers to her Majesty, he proposed to follow, as nearly as possible, the precedent of 1788, by confining it to the same number of four, who are to be nominated for the purpose, and invested with the same powers as those on the former occasion. As the period was to be limited to twelve

months, and there were strong hopes that it might even not last above six weeks or two months, he thought the House, on mature consideration, would not hesitate to lodge such a power in the hands of the Queen as was given by the resolution: for if it were not, and the King should shortly recover, he might perhaps find all his household altered, his servants changed, and when once more restored to the use of his reason, he might scarcely know any one of those who were placed around him. So much care having been taken on this head in the year 1788, and that care having proved peculiarly gratifying to his Majesty on his recovery, should any alteration of the kind he had just alluded to take place, and his Majesty should speedily recover, he might be led to suppose (and most painful would such supposition be to his feelings) that in the course of the last twenty years the respect and affection of his parliament had been greatly diminished, by his experiencing the want of that provision which had been formerly made. Having now opened all the resolutions, he would conclude by recommending them to the consideration of the House.

The hon. W. Lambe said, he could by no means agree in the principles laid down by the right hon. gentleman in the speech which he had just delivered. The right hon. gentleman had opened to the House a plan in which he meant to make his royal highness the Prince of Wales Regent of the realm. He had declared that he considered the Regent to be placed in the situation of steward, or trustee, to the King; which any one would suppose ought to entitle him to the enjoyment of all those prerogatives with which the King was invested, and without which it would be impossible the Prince of Wales could be his real representative. The right hon. gentleman had talked a great deal of the King's political capacity. What he meant by this political capacity, he (Mr. Lambe) could not say. If there were any powers attached to this political capacity of the King, they might perhaps be in their full existence: but with respect to all those powers which depend on his Majesty's judgment, they were dead to all intents and purposes, as if he were actually demised; and therefore, as to them, the House were bound to hand them over to the Prince of Wales, as Regent, exactly the same as the King had held them. The precedent of 1788 was much relied on by the right hon. gentleman; but in that also he differed from him entirely: for it was wanting in that very first and

essential authority adhering to all precedents, namely that of experience. But even if there were those who looked up to the great men of that day who were the framers of that precedent, they should remember the great difference of this country, both from time and situation. He then adverted to the argument of the Chancellor of the Exchequer, in which he had said, that one of the great objections raised on his (Mr. Lambe's) side of the House was, that *then* we were at peace, and *now* we were at war. The right hon. gentleman had mentioned this, and carried on his argument upon it in such a strain of levity, as not only astonished him, but (when the situation of the country was considered, and the numerous evils which that war had entailed upon us) must, in his mind, appear to the House highly indecorous. He, for his own part, could not but remember, that since that time many gloomy and momentous years had passed away, which had all, more or less, brought upon us the heaviest misfortunes. He could not but recollect, however lightly the right hon. gentleman might think of it, that we were then at peace; that the storm of desolation attendant on the French revolution had not then burst forth: and when he considered the melancholy effects which were the consequences of that revolution, he thought it was a most fortunate circumstance for the country, that the precedent of 1788 had not been acted upon: for, in what a situation must the Regent of this country have been placed, in the hurry of so much turbulence and fury, shackled and fettered as he would have been by the provisions of that Bill? Could the House then suppose, that at the present moment, when this country stood in a more perilous and critical situation than it had done at any antecedent period of our history, it would be politic or proper to appoint a Regent, limited and restricted in any of those prerogatives which were given to the King, as well for the benefit of the people as of himself, and without which the sovereign authority of this country could not be safely maintained? Why, in considering this measure, which melancholy necessity called on the House to adopt, should it entertain suspicions as to the conduct of his royal highness the Prince of Wales, on whom it was intended to confer the Regency? It was not his intention, on the present occasion, to go into any eulogium on the personal character of that illustrious Prince; but he thought it was unworthy of the House to give way to jealousy of any kind,

as to any person it might think proper to appoint Regent. The right hon. gentleman had talked a great deal about the powers of the King, and had shewn a wonderful anxiety to preserve those powers entire for his Majesty; but he ought to consider, that the powers of the King and the powers of the country must be the same; and the House ought not to agree to any restrictions which, in endeavouring to save the one, should in an equal or greater degree injure those of the other. The right hon. gentleman had laid great stress, in the course of his argument, on the power of creating Peers having been formerly so much abused: the right hon. gentleman had himself been one of almost every administration by which this abuse had been exercised; and, therefore any animadversions on that subject came with rather an ill grace from him. But, on this point, he (Mr. Lambe) differed with him entirely: he did not think this increase of the peerage had at all injured the country; on the contrary, he was convinced that our Legislature had been greatly benefited by it. He thought it an useful power; and that any attempt to limit it at present would be on grounds that had no foundation; for, in fact, no restriction could be imposed on that part of the prerogative, which did not go as much to effect and weaken the power of the King, as that of the Regent.

He then proceeded to notice the resolution which relates to the King's household, to which he felt as many objections as he did to the other; it lay, however, in a very narrow compass, and it would not be necessary for him to take up much of the time of the House to explain his objections to it. He alluded, particularly, to the officers of the household, and begged to call the attention of the House to the circumstance, that they were chiefly officers of splendour. No man could be more ready than himself to support the real and necessary splendour of the Crown, or of the Monarch who wore it; but, unfortunately, the Monarch is not in a state to enjoy that splendour; and nothing can be more evident, than that these officers so to be appointed cannot administer either to the comforts or splendour of the King, but only of the Queen, who is no part of the Executive. These officers of the household, it must also be kept in mind, must all have appointments and emoluments suitable to the rank and stations which they respectively fill. The splendour attendant on them must cost the nation a very large sum of money; and he thought, that at

a time when the pressure upon the people was so very heavy, any establishment or burden which could be dispensed with, ought sedulously to be avoided. What, he asked, could be the object of this measure? The right hon. gentleman says, it is respect for his Majesty, in the first place; and in the next, security for his return to power, should he soon recover. Surely, respect and security might be both ensured by a less expensive process. The committing the custody of his Majesty's person to the care of the Queen shews the so-much-wished-for respect; and it can scarcely be supposed that those officers of the household can add much, if any thing, to the security, while her Majesty is to have all the power of governing the household. Besides, those officers, now to be appointed with the consent and approbation of the House, might hereafter be changed; and then the security, if any, would pass into other hands. The right hon. gentleman had alluded to the delicacy of the case; but for his part, he did not see why the House should suppose, that the Queen would, in any case respecting his Majesty, act with more delicacy than the Prince of Wales would. He had, however, an objection to those officers still greater than those he had mentioned. There could be no doubt in the mind of any one of their being men of great political influence; and surely, in times like the present, of danger and difficulty, that influence, if necessary, and the splendour attached to their situation, ought to be given to the Regent, in preference to any other person whatever. He would have all those dangers and difficulties to encounter—he must stem the force of every torrent, however violent, which might set in against the safety and interests of the empire; and, therefore, all the powers, both of attack and defence, which may be necessary to render him equal to the task and duty assigned, ought by every means to be strengthened, and not enfeebled.

The House had of late years had occasion to listen to many arguments on the influence of the Crown; and he begged them to recollect, that in all those, the present servants of the Crown, the right hon. gentlemen opposite to him, had uniformly maintained, that the influence of the Crown was not more than was absolutely necessary for carrying on, with effect, the high and important concerns entrusted to it. With what confidence, then, could these gentlemen propose to appoint the Prince of Wales to the

office of Regent, and (as they say) a trustee for all the powers of the King, and at the same time refuse to him or strip him of that influence, and those prerogatives, without which the King himself could not preserve those powers? The Prince ought unquestionably to possess all those prerogatives and all that fair influence which belonged to the King, whose place he is to fill, and whose duties he is to perform. They were given by the constitution for the mutual benefit of the King and the people: and the expence attendant on them was always cheerfully submitted to, because it was deemed the price we pay for our political liberty; and all and every of them should be bestowed on the Prince, at the time when he is placed in so arduous and important a station as that of Regent. Regencies in every country have been the times when intrigues and factions have most flourished; and such being the case, the House ought not to think of weakening any of those prerogatives or powers belonging to the Crown which have always been acknowledged necessary for its security and preservation. For all these reasons, he should conclude by moving an amendment to the first resolution, by leaving out all the words which contained the restriction.

Mr. Canning began by observing, that as he had, upon a former day, stated to the House the best opinion which he could form respecting the restrictions which were then touched upon by his right hon. friend (Mr. Perceval), but which had this day been fully stated in the very perspicuous speech of his right hon. friend, he did not now feel that it would be necessary for him to detain the House for any great length of time, in stating the objections which occurred to his mind against the restrictions which his right hon. friend had proposed. He was happy that the discussion had been commenced in such a tone as not to appear likely to be productive of much asperity in contention, although a great difference of opinion might naturally be expected. The House was now arrived to such a situation, that the ideas of those who agreed in general views of constitutional policy, might naturally on this particular case separate and diverge. We had, in this case, arrived at the point where authority ceases, and where discretion begins. Those who had considered the precedent of 1788 as the great rule and land-mark by which all similar cases were to be decided, would perceive that in the present case that pre-

cedent failed in many points. In whatever points that precedent did not apply, there was no such thing as arguing from its authority. It had been said, that the authority of the proceedings of the two Houses of Parliament at that time had been much increased by the subsequent approbation which was given to them by his Majesty, after his recovery; and that the Royal authority being so revived, and sanctioning the proceedings which were done when the Royal functions had been dormant, gave such weight to those proceedings, as to make the precedent of the utmost possible validity. If this argument were insisted on, he would be entitled, from parity of reasoning, to say, that those acts so confirmed by Royal approbation, which were not the Acts of the two Houses of Parliament, but merely the Acts of the House of Commons, were defective in authority, and did not deserve the name of an established precedent, which was to be the rule and the guide in all future times. If we were, however, to look back to the proceedings of the House of Commons in 1788, we would find, that the course then adopted was not a particular line clearly marked out from the beginning by some undeniable constitutional rules; but it was a course, which after very long discussions, and great differences of opinion, it appeared proper to pursue in the circumstances which then existed. Up to the very latest hour that the Bill was in its progress through that House, amendment after amendment was made: and even at the very latest stage, when the Bill was in the hands of the Speaker, and ready to take its flight to the House of Lords, even then some of the most material amendments, with respect to granting offices, were made and agreed to. Some of the restrictions proposed in that House caused very considerable discussion in the House of Lords; and some of them the House of Lords had never pronounced any opinion upon. He stated this circumstance to shew that the House was perfectly warranted, and that no precedent prevented them from considering the present case by itself, upon its own grounds, as connected with the peculiar circumstances of the present times, and as differing most materially from the circumstances under which the measures were proposed in 1788, which were now recommended as the ground-work of what was to be proposed. As to the difference of times, he would say a word or two hereafter; but he thought the first considerations with the House should be, what they were then assembled to do, what steps had

already been taken, and what situation they now stood in? The House had already determined, that it was their right and duty to provide for the due discharge of the Royal functions during the present incapacity of the Sovereign. It was also generally agreed, that provision should be made for the resumption of the Royal power by his Majesty, in case of his recovery. He could not, however, bring his mind to entertain an apprehension which was *shadowed out*, rather than expressed by his right hon. friend, of the possibility of his Royal Highness ever considering himself as being advised to regard himself in any other light than as a Trustee, for the power to be committed to his hands. The debates of the Parliament were so public, and the opinions expressed on all sides so clear upon the subject, that it was impossible that his Royal Highness should mistake the sense of Parliament on this point; and, indeed, if their opinions had not been a matter of such notoriety, he could not for a moment bring himself to entertain the idea of its being possible for his Royal Highness to conceive, that any power could be vested in him now, which would not be liable to be resumed by his Majesty, when he should have the good fortune to recover from his present malady.

The House was now called upon to devise the means of carrying on the business of the State, during the incapacity of the Sovereign; and it, therefore, became necessary to consider, what were the functions of that branch of the Constitution which it then became their duty to supply? First, the power of making peace and war belonged exclusively to this branch, and also the whole internal administration of the country, which was to be carried on through the means of responsible persons. The only means by which government was carried on, or could be carried on in the imperfect state of human nature, was by assigning punishment for evil, and rewards for good. While this was the acknowledged principle of all human government, was he to be told, that without diminishing the task, but taking away some of the means to perform it—without curtailing any thing of what is odious in the task of government, but abridging much of the means of reward for meritorious services—with leaving every thing that must be painful to the governors, and taking away every thing that could sweeten the exercise of power, and make it grateful to the people—a most important change was not in reality made in that branch of the constitution which they professed to uphold, in

all those powers which were necessary for it to enjoy? Would it be said now, or would it be said by his right honourable friend (Mr. Perceval), that the Executive power of the country possesses at the present time too much influence, or too great means of rewarding public services? If it did not possess too much of either, it followed that what was taken away from the Regent, would be taken away from what was necessary for the due discharge of the functions of the Executive power. He conceived that his right hon. friend had not stated the circumstances of the times fairly, when he merely stated that the year 1788 was a time of peace, and that this was a time of war; and, therefore, that the only peculiar powers now necessary in a fuller degree than at the former period, were those powers which related to war. The power of the Executive was, however, much increased, by its being generally considered as the fountain of rewards for all public services. It was not so much in the applying the proportioned reward to every particular case, as in its being the general dispenser of rewards, that the dignity and legitimate influence of the Executive consisted. It must be recollected, that in war it was not only necessary to have large fleets and armies, but that in the various operations of war there must be great risks and often great failures. Was it not evident that those circumstances added much to the home difficulties of the Government? When it was considered to what discussions all the operations of the war gave rise, it was evident that a greater degree of influence was necessary to administer the affairs of the Government in war than in peace; and yet although we were in a state where greater exertions were required from the Government, greater impediments were thrown in its way, and increased efforts were expected from it, although its powers were to be diminished. His right hon. friend appeared to him in other respects to be in error, when he proposed the precedent of 1788 as the rule by which the present case was to be governed. He had himself found out, that this precedent would not exactly suit, and he had therefore now thought it right to propose exceptions to the exceptions which were made in 1788. Now, to the particular exceptions which he had proposed he could not give his assent; it appeared to him, that instead of being necessary, they would, on the contrary, be highly disadvantageous (cries of *Hear! hear!* principally from the Ministerial benches.) He trusted that when he had explained his

reasons for so thinking, his opinion would not appear so extraordinary as gentlemen now considered it. He thought that his opinions of the rewards due to high military service were so well known in that House, that he would not now be accused of wishing to shut the ranks of the peerage against those whose distinguished merit had earned those honours. He trusted that no one would think of answering him by saying, "What! if Lord Wellington, after having displayed in the course of this campaign those qualities "which he was supposed to want, should again display "those qualities for which he has been so eminent, and "gain a splendid victory over the French, would you deny "him the honour of promotion in the peerage? Or if a "gallant Admiral, with the spirit of a Nelson, should go "to battle determined for a peerage or Westminster Abbey, "would you shut the ranks of the peerage against such a "man, and deprive him of the honours which he so much "prized, and which he had dearly won?" He trusted that no honourable gentleman would think that such was his feeling, or that he could in that way be answered. He wished that they should not be prevented from attaining the honours they merited; but the way in which he wished them to attain them, was by things remaining in the present state as to the power of the Executive to create peers. He was not for changing the present system in the first place, and then changing it back again to meet their particular case; he was not for first undoing, and then doing again something which had been undone. He conceived, that even in this respect the limitation of the power would strip the prerogative of the Executive of one half of its value. The value of it was not so much in being bound to assign a stipulated reward for a stipulated service, but it consisted in that grace with which distinguished services to the country were acknowledged by those who held the office and functions of royalty. The reward itself was much enhanced by the feeling which bestowed it, and "which was twice blessed, in blessing him who gave and who received." The value of the prerogative would in this case be much diminished, if it were said that the Regent must here act strictly as a Trustee. By the words of the resolution, the Prince would have a right to confer the peerage on any person who had achieved any naval or military services. These words allowed a very great latitude. Sometimes in war victories were gained, such as those formerly obtained by a Marlbo-

rough or a Eugene, which were decisive of the fate of a war. At other times great reverses might be sustained without the least fault in the commanders; but, on the contrary, when they had done their duties to the utmost. The generality, however, of services performed were in the middle, between the two extremes. Most of the services which had been performed, were of a nature which gave rise to mere difference of opinion. Every body recollected, that even the glorious battle of Talavera gave rise to much discussion in that House; and it could hardly be expected that any other would be of such a nature as not to give rise to a difference of opinion. The conduct of the Regent would, therefore, be at all times severely questioned, whether he gave the peerage or withheld it. He could point out another case, where the restricting the Regent from making peers might produce a serious evil. Suppose his Royal Highness was to choose among the many eminent persons at the Bar, a man in whom he had full confidence, and wished to make his Chancellor—now although the Lord Chancellor was generally made Lord Keeper, and a Lord of Parliament; yet, if it happened that there was a Chancellor whom his Royal Highness could not make a peer, how could he preside in the House of Lords as Speaker? He must be as mute as the mace on their table. It appeared to him, that by those restrictions, a broken and mangled executive was given to the Prince, and other persons might in effect become "viceroys over him." He could not allow that a lavish use had ever been made, at least while he was connected with the Government, of the power of making lords; and he doubted very much whether the House of Lords now, numerous as they were in comparison to former times, bore now a greater proportion than they did then to the weight and influence of the Commons and the increased wealth of the country. He would not allow that the excellence of the constitution did, in its practice, proceed merely from its checks and balances, but he thought it was greatly owing to the influence of public opinion. As to great offices (he believed that he was as little interested in any change as any other man in the House), he supported them, as he had often done, on the ground of their being the means of bringing into the service of the country, eminent talents, the benefit of which would otherwise be lost. He saw two instances of the advantage of places for life on the bench upon which he sat. When his right honourable friend

(Mr. Perceval) was induced to quit a profession, to the head of which he must have risen, his Majesty wished to confer upon him one of those offices (the Duchy of Lancaster), but the interference of Parliament prevented it. He should be very happy, indeed, to contribute by his vote to rescind the former vote; and to let that office now go to his right hon. friend for whom it had been intended. There was another remarkable instance, in the present year, of an office for life, given for reward of public service, (he alluded to Mr. Yorke's Tellership): when he had two such striking instances before him of the manner in which those offices might properly be given, he did not wish that the power of calling great abilities into the public service, or of rewarding the exercise of great public talents, and political attachment, even although not bearing the stamp of public services, should be suspended for a length of time. He could not conceive that if, even within the shortest space of time in which his Majesty's recovery could be hoped, an office should happen to fall vacant, which might enable the Prince to reward the long political attachment and the great talents of a particular individual (Mr. Canning appeared to allude to Mr. Sheridan), that the constitution would thereby be disgraced, or any bar to the full resumption of power on his Majesty's recovery. If the Regency lasted for a twelve-month, the probability was, that not above one or two of these offices would fall vacant in that time; and who was the individual upon whom such an office could fall, that could pretend to set himself up as a barrier against the King's resuming his power? The supposition of such an effect being produced by such a cause, appeared to him ridiculous in the highest degree. These powers that were to be withheld from the Prince, were described with a strange inconsistency, as very strong to do mischief, but very weak and unnecessary for the support of his own government. They were to be powerful enough to endanger the whole of the Executive government, if abused; and yet it was said they were not necessary to strengthen that of the Regent. Could any man seriously believe, that all the chances which could take place in a year, of offices for life falling vacant (for it must be recollected, that they must fall vacant before they are given away), or even all the abuses which could take place in a year, would be able to fortify the government of the Regent in that time, so as to prevent his Majesty resuming his power in case of a recovery? Among the various abuses

which are mentioned in our history, one of the greatest was that which was done in the reign of Queen Anne, by a Tory administration, in the appointment of twelve peers in a single day, which gave a majority in the House of Lords. The addition of twelve peers when the whole number was but 200 was of some effect; but now that they are 300, the addition of even twelve peers in a year would not be at all decisive as to a majority. It was almost impossible for the wildest imagination to conceive it within the range of probability, that the power of making peers would, in a single year, be so abused, as that the newly created peers should be sufficient to decide a majority in that House. His right hon. friend (Mr. Perceval) said, that he proposed these restrictions, because they had been proposed in 1788. Now, imitation was of two kinds; first, there was one sort of imitation which seized on the principle and the spirit of a precedent, and applied them to the case; secondly, there was another sort of imitation, in which the dry letter of the precedent was taken, however inapplicable in the spirit. The right honourable gentleman himself found, that the precedent of 1788 did not fit the present case; and he was obliged to cut it, and clip it, to try to make it fit. He conceived, that he paid as much respect as any man did to the authority of the great man (Mr. Pitt) who was the author of the precedent. The restrictions which were proposed in 1788, were proper for the circumstances of that time, which was a period of profound peace; but it by no means followed, nor did he think that they were proper for or suitable to the existing circumstances. If in fact those powers which it was proposed to withhold from the Regent, could by their abuse be productive of such great inconvenience, and yet by their proper exercise be productive of so little good, as to say that the Executive government might go on as well without them, this would be an argument for abolishing altogether this branch of the Royal prerogative. A power that can do a great deal of mischief, but little or no good, ought not to be preserved. As to the idea of any opposition being likely to be made to his Majesty resuming his power, he thought it absurd in the highest degree. If he could conceive, that such an idea could enter into the heart or mind of any man, from that man indeed he would wish to withhold all power—he would not arm him even with "a pigmy straw." He could not conceive it possible, that any individual whatever, merely from calculations of personal advantages,

would oppose the King's return to power, should his health be again restored. There were difficulties which roused men to greater exertions; but it really appeared to him, that the difficulties imposed upon the government of the Regent, were quite too great to be consistent with the public good. It must have great difficulties to encounter from its temporary nature. The same degree of attachment could hardly be expected to a temporary and fugitive government, which accident might dissolve in a day, as to the more permanent governments which are established by the Sovereign himself. He did not think this was a time in which the Executive government would bear to be crippled; and the reasons which were offered for so maiming its powers, produced no conviction in his mind. On the last resolution, his right hon. friend had expressed a wish that there should be no discussion this night, and therefore he should not go at much length into that topic. He must, however, observe, that as to the custody of the Royal person, it was clear from every analogy, and from the feelings of nature, that it ought to be given to the Queen; but as to the household, he would much rather attach a large portion of them permanently to the service of the King, than have them all attached to him for the limited period mentioned in the proposed restrictions. He would rather preserve the splendid condition of his Majesty's household during the whole term of his natural life, than appoint any other person upon whom they were to be dependent. The Bill, in its preamble, began by stating the necessity of providing for the acknowledged incapacity of the Sovereign; he should be sorry to see the next sentence state a time, after which there was to be no hope of his Majesty's recovery. He felt most unwilling to anticipate the period after which he must not be allowed to hope. He did not see any thing in the evidence which justified him in considering, that after the space of six or twelve months, the recovery of his Majesty would be absolutely hopeless. He did not wish to act on a contracted or niggardly scale, in any thing which regarded the splendour of his Majesty, or the Executive government; but as far as respected the patronage of the Household and Lords of the Bed-chamber, he did not think that patronage which was withheld from the Regent, ought to be given to any one else. If the Lords of the Bed-chamber could be continued in their stations, absolutely free from any influence whatever during

the period of the Regency—this would be, in his opinion, a great good. He agreed with an hon. gentleman (Mr. Lambe) that it would be highly improper to set up a new political influence, out of that share of the Royal influence which had always before been joined to the Executive power. He would much rather the Lords of the Bedchamber had their places during life, than that somebody else should obtain a political influence over them. Whatever splendour was becoming his Majesty's situation, he wished him to be surrounded with. He wished that the country should seem to treasure him up as a thing on which they built great hopes for future years—that he should not appear immured, but enshrined in their grateful recollection and loyal attachment. Upon the best view of the case which he was enabled to take, it appeared to him that the limitations, in point of time, were so far from being likely to produce advantage, that, on the contrary, they would produce very great disadvantage. Neither could he see any danger in the power being given to the Regent of creating peers, or filling up vacant offices. There was nothing, however, which had been proposed to which he felt stronger objections, than to committing to any one else that patronage over the household, which it was proposed to deny to the Regent.

Mr. Matthew Montague observed, that the arguments of the right honourable gentleman who spoke last applied equally well to the propositions of his friend (Mr. Pitt) submitted to the two Houses in 1788; and yet he had always understood that the right honourable gentleman had approved of those propositions. The object of Mr. Pitt was to facilitate the resumption of the exercise of the royal functions by his Majesty when he should recover; and if Mr. Pitt for that purpose in 1788 proposed restrictions upon the Regent, for a longer period of time, why should they now refuse to agree to similar restrictions for a shorter period? The whole of the speech of the right honourable gentleman, and that of the honourable gentleman on the other side (Mr. Lambe), to whose ability he paid a sincere tribute of applause, went upon the ground, that these restrictions were to be imposed on the real possessor of the Crown, and not upon a trustee. But his right honourable friend (Mr. Perceval) had proceeded upon the authority of the great man, who in 1788 took care that the legitimate possessor of the Crown should upon his recovery be enabled,

without difficulty, to resume the royal functions, unincumbered by any thing that could subject him to disadvantage in the exercise of them in future. This he thought the proper course, but he disclaimed all invidious allusion to the person of his royal highness the Prince of Wales. The honourable gentleman opposite had animadverted upon the assertion of his right honourable friend, that the throne was full, and had observed, that the Royal authority could only be said to be in activity at present to an extent, which he illustrated by a reference to the functions performed by the body in sleep, but that it was extinct as to all the other powers. But he would again ask, whether this argument did not go to consider the Regent, not as a trustee, but as a king? It was necessary to preserve the powers of the King in such a condition, that he might, when the sun arose, a figure by which his recovery had been beautifully illustrated, resume their exercise without embarrassment. Many more arguments might be urged in favour of the plan adopted by his right honourable friend the Chancellor of the Exchequer; but he would leave it to the House, in its wisdom, to give them their due weight, without trespassing upon their patience any longer.

Lord Castlereagh began by observing, that on a question of this vital importance, he was of opinion that his Majesty's Ministers had wisely decided in founding themselves upon the precedent of 1788, and in considering it as their duty to provide for the temporary exercise of the Royal authority, subject to the restrictions which they had now proposed for the adoption of Parliament. The precedent of 1788, he maintained, was in perfect compliance with the soundest principles of the Constitution; and if a different precedent had then been established, his lordship would now have been for rescinding it, on account of the difficulty to which the two Houses would be reduced by its operation in making provision for the defect that might at any future period result from a calamity of this nature.

There were two views, his lordship added, in which this question might be considered—1st, With regard to the operation of the restrictions in weakening the government; and 2dly, With respect to the ungracious distrust of the individual who, as all admitted, ought to be Regent, and whose motives and conduct had commanded an unanimous tribute of just applause. As to the latter point, he declared that no distrust of his royal highness the Prince of

Wales had ever entered into his contemplation: on the contrary, he was ready to be responsible, as far as one could answer for another, that, if it were consistent with the public interest to confer the power of the Crown upon him during the illness of his father, without any restriction, that power would be exercised in the most proper and temperate manner. Nor had he the least suspicion that those whom he might honour with his confidence would be at all disposed to abuse the trust. If, then, the only question had been as to the degree of confidence fit to be reposed in the individual, he would have no hesitation in saying, that no restrictions upon the exercise of the Royal functions in the hands of the Regent need be imposed by the Parliament. But as the representative of the people, and acting there for his constituents, it was not for him to repose personal confidence. If his Royal Highness himself wished to be free from restrictions, it could only be with a view to shew how temperately he would exercise the power entrusted to him, and how well worthy he was of the confidence of Parliament. But it was impossible to place in his hands an unrestricted authority upon any ground of confidence, without rendering the point of personal confidence an object of discussion on every future occasion that might require a similar interference of the two Houses of Parliament. Unless it was to be regarded as a settled constitutional maxim that the Royal functions could never be exercised by any except the actual Sovereign without restriction, even for the shortest period, he begged the House to consider to what a dreadful dilemma they would reduce future Parliaments? Unless they regarded this as the fixed rule, and acted upon it as such, they would proceed contrary not only to the precedent of 1788, but also to the whole course of parliamentary practice from the earliest times, with the exception of the usurped power of Richard the IIId, and the Protectorate of the Duke of Somerset in the minority of Edward the VIth. Except in these instances the Regency had never been conferred without restrictions. If they should agree to commit the Royal authority entire into the hands of the Regent, it could never afterwards be withheld under similar circumstances, without a confession of the personal incapacity of the individual to exercise it. How, then, would Parliament be able to conduct itself when the question should in this manner be placed on the footing of personal distinction?—the question arising too in the case of the next heir to the Crown—the King's son or heir

apparent! He hoped he should not be so far misconstrued as to be understood to say, that there was the smallest reason for distrust in this instance—if he could act merely upon his own personal wishes abstracted from a regard to the constitutional principle, he should be disposed to dispense with all restriction; but he could not give up the restrictions in the present case, without abandoning his constitutional duty, and fixing a stigma upon future Parliaments, who might find it expedient to restrain the individual on whom it might be proposed to impose that restraint. He apprehended that in no case had the Regency been ever granted without restrictions, except as above stated. Not only in cases of infancy, but even in the absence of the Sovereign, some of the Royal powers were withheld, and the consent of the absent King was necessary to the validity of certain acts of the Executive authority. His lordship adduced, in favour of his argument on this point, the instance of the absence of George the IInd, and adverted also to the case of the 5th of his present Majesty, when the Regent was not only to be limited, but to be under the obligation of acting with a council appointed by Parliament. In the case of the infancy of Henry the VIth, the whole of the Executive authority was not even vested in the Regent and Council, for he found that only one peerage was conferred by them, and that was by message from the Regent and Council to Parliament, to remove the restrictions by an act, as far as respected the single instance of Sir John Cornwall.

It did appear to him that nothing injurious to the efficacious government of the country would result from these restrictions; for under the circumstances he had no doubt the Regent himself would act with a regard to these restraints, though not imposed by Parliament. And if he were the Regent's Minister, he should, from a sense of propriety, refrain from the exercise of such powers as it was proposed to refuse. The restrictions, therefore, would produce no weakness: on the contrary, the government would be embarrassed under the circumstances, by the very want of this restraint. If the Regent possessed the power, it might appear ungracious not to use it, and this would be a source of weakness. The Minister would be considered as weak in the confidence of his Master, if peerages and other favours were not granted at his recommendation: and through this opinion of the Minister, the general frame of the government would be weakened. He would not, however, restrict the granting

of peerages for any great number of years. If the illness of the King should be long protracted, if his recovery became hopeless, the government must be rendered completely effective; but he was convinced that restrictions ought to be imposed, at least for a limited time, when it was known, from his three former illnesses, that his Majesty's malady was not likely to be of long duration.

Such was his general view as to the restrictions, and the light in which he regarded the granting of peerages applied to the other points. But the great object was to establish the constitutional maxim so as to put it out of the power of any individual to embarrass the operations of the Executive government when restored after a calamity like the present. The argument of his right honourable friend was, not that restraints ought to be imposed merely for the purpose of securing the restoration of the Royal authority to the King on his recovery, for on that point all were agreed, but that the trustee ought to be restricted in such way as to secure the restoration of the Royal power in such a condition as to leave the exercise of it free and unembarrassed in the hands of the recovered Monarch. On these grounds he argued that the Regent ought to be restrained both as to the granting of peerages, and as to the patronage of the Crown. He was far from distrusting his Royal Highness; on the contrary, his personal feelings would lead him to dispense with all restriction. But here he must act for the public, and not for himself. As a member of parliament, he must consult the interests of his country, and not his own personal feelings. It was his duty to take care that no mischievous precedent should be established—that no personal confidence should be reposed, that might fetter future Parliaments in the exercise of a sound discretion, and affix a stigma on future Regents.

Having thus stated his opinion on the subject of the restrictions, he wished to say a few words with respect to the King's household. This stood on a footing entirely different from the restrictions, as, whatever might be the decision on that head, it would not affect the government to be afterwards exercised by his Majesty. This, therefore, was a question subject to other considerations. If the matter merely rested on the comfort of his Majesty, nobody would go farther than he would do in evincing his respect and affection for his Sovereign. Whatever arrangement should be made, the Queen must be enabled to administer the

establishment about his Majesty's person, and to have the absolute and complete controul over it. But, in a constitutional point of view, the precedent of 1788 was faulty in this respect, as it was not necessary to separate the splendour of Royalty from the Royal authority. This had only a tendency to weaken the government, without any adequate object. The splendour of the household constituted part of the patronage and influence of the Crown; and if withdrawn, the government must be proportionably weakened,—and much more weakened, by the influence of the household should it be exercised in opposition to the government. If the Regent's household and his Majesty's should be opposed to each other, the power which would otherwise arise from this source of splendour and patronage would be annihilated, while a great expence would be entailed on the country, without any necessity to justify it. It was desirable, that the Regent should exercise the power of the Crown with as much of its splendour as possible, independent of his personal consideration. He was averse to a competition between the power of the King's household and that of the Regent. The exercise of the Executive power ought, as much as circumstances would admit, to be accompanied with its imposing splendour. His lordship next stated, that he was averse to the limitation, in point of time, as far as the arrangement of the household was concerned. It was highly desirable that an arrangement should at once be formed, to continue during the whole duration of his Majesty's malady. He should be sorry if the arrangement were such as to bring the question again before Parliament —leading, as it must do, to another discussion on the subject of the Regency. That part of the household most calculated to give splendour to the Crown, he thought might with propriety be placed in the hands of the Regent, that he might administer his Father's authority with the magnificence which belonged to it. This part of the household might easily be dispensed with by his Queen, as it could be of no use to his Majesty in his present situation. He was then disposed to support the restrictions, and the limitations in point of time. The household was a subordinate consideration—but he wished that the arrangement on that point should be rendered as permanent as the malady, in the first instance, and that part of the household should go to the Regent. He wished that his government should be as strong as the constitutional principle and the preservation of the rights

of the Crown could possibly admit—that his authority should be exercised with Royal splendour—and that the restrictions upon him should only be such as were absolutely necessary. The Executive authority would thus be preserved for his Majesty, and on his recovery restored as full and perfect in every respect as the nature of the calamity would permit.

Lord Kensington said, on constitutional grounds he must support the amendment of the honourable gentleman (Mr. Lambe), thinking, as he did, that the proposition of the right honourable gentleman (Mr. Perceval) was the most monstrous which had ever been submitted to that House. In one of the resolutions lately passed by the House, they had declared it to be their bounden duty to maintain the Royal authority entire. Yet, what did the proposition now submitted by the right honourable gentleman amount to, but to dismember it, and parcel it out? The Constitution gave to the King certain prerogatives, to support the authority of the Crown; the House of Peers had also certain rights and privileges; and to this House there were also committed certain privileges—all of these, however, being to be used for the people. He now, therefore, put it to the House, whether it was becoming, that at a period when the King had been attacked by one of the greatest calamities which could possibly assail a human being, they should avail themselves of such a moment, to attack the Crown? He confessed, he should least have expected such an attempt from the right hon. gentleman opposite. It was dangerous to change the King; but, in his opinion, it was infinitely more dangerous to attack the kingly office. The hon. gentleman who spoke last, had said, that the House were not to provide for any long suspension of the kingly power. In his opinion, however, there was nothing in the Examination of the Physicians to warrant such an assertion, not one of them having named a period at which the recovery of his Majesty might reasonably be calculated on. Even if they had specified some period for this event occurring, he could not have placed much reliance upon it; medical predictions being at the best extremely fallacious, particularly in such a malady as that with which his Majesty was now unfortunately afflicted. The right honourable gentleman (Perceval) had admitted that if a speedy recovery did not take place, it would be improper that the restrictions should be continued. In his (Lord Kensington's) opinion, they

were proper at no time. The noble Lord who spoke last had argued on precedents. He, on the contrary, contended that at no time had the kingly office been curtailed. Regents had been appointed with Councils, but no limitations had ever been imposed on what pertained to the exercise of the kingly office. He also contended, that there could no instance be shewn where any person but the heir apparent had been appointed Regent, where such heir apparent was of age; and if so, and there was no instance of precedent for curtailing the exercise of the kingly office, he asked, why should such a proceeding be adopted here? Was it because his Royal Highness's conduct both towards his father and towards the country had been such as to procure him not only the love and affection of all the people of these kingdoms, but also the admiration of all Europe? Was it because we were now reduced to a state the most distressing and untoward in which the country had ever been placed? The proceeding in the years 1788-9, he considered the greatest political error into which Mr. Pitt, whom he considered a great man, had ever fallen, and he wished the whole proceeding were obliterated from the journals. It had been argued on the other side, that the Regent might violate the trust reposed in him. It must be on that idea alone that they could now think of depriving him of one of the most important powers of the government. He trusted, however, the vote of that night would prove that the House entertained no such suspicion. They were about to devolve on his Royal Highness an important office in a difficult and dangerous period; and he trusted they would give him the trust together with the means of executing it in the most effectual manner for the public good. He hoped that when the King should return to the discharge of his Royal functions, he would see, not that the House had refused to trust his son, but that they had placed in him the exercise, for his father, of the full powers of the kingly office. It must afford to the King, in the event of his recovery, the highest satisfaction to see that the two Houses of Parliament had not thought so unworthily of his heir apparent as to deprive him of the exercise, in the name of his father, of those powers which he must one day have in his own right.

Mr. Leach stated his entire difference from the opinions of those who would act strictly upon the precedent of 1788. —That precedent he never could admit as an authority by which Parliament was to be regulated in similar emergencies

It amounted to nothing more than a certain set of opinions of certain persons. With respect to the weight and value of a precedent, of which much had been said, in order to liken this precedent of 1788 to those which were of authority in the courts of law, he should take the liberty of saying a few words; and that not with a view of decrying precedents where they were of real value. A single precedent in a court of law was entitled to much respect, inasmuch as it was the opinion of some eminent and learned person at some important point. The precedent, therefore, derived thence an authority. Those who opposed it, must shew that it was wrong in the principle on which it proceeded; or that, admitting the principle to be right, the conclusions were erroneous. Success in either of these cases detected and exposed the error. The exposure of the error, then, destroyed the precedent. He was willing, for the sake of argument, to let for the present the precedent of Parliament stand as high as precedents stand in courts of justice. He would suppose this precedent of 1788-9 on this footing, and then proceed to point out its errors. The first consideration was that of the right, and the next that of the expediency. The right now asserted, was that of the two Houses of Parliament to supply the defect in the exercise of the kingly office, a right so far perfectly admitted; but then it was asserted, that in exercising this right, justified by the necessity of the case, they were also justified in *limiting*, *abridging*, and *impairing* the constitutional privileges and prerogatives of the *kingly office*. Now, where was the foundation of *this* right to be discovered? It must exist either in the Statute Law, or in the Common Law of Parliament, or in sound constitutional principles on points analogous to the present case. But, was it to be found in the Statute Law? Certainly not. Was it then to be found in the Common Law of Parliament? Text writers had a certain kind of traditionary authority, as they preserved the antient law of the land. But where in the Common Law of Parliament could be found any authority relating to this subject, however antient, which could give an authority to the two Houses of Parliament to authorize a limitation of the kingly office? He totally differed on this important subject from his right honourable and learned friend, the Chancellor of the Exchequer. He could find no instance in any of the Parliamentary precedents whatever, of Parliament, in cases of supplying the defects of the Royal office, having limited or abridged the

powers of that office. He desired he might not be misunderstood. He was perfectly aware that in cases of defect which Parliament had supplied, they had made substitutions of one, or of several, of many persons for the Sovereign himself. But the question before the House now, was not of that sort, but that of limiting and abridging the Royal authority itself *(Hear!)*. A noble lord had mentioned Regencies appointed in cases where, as for instance, in the last reign, the King himself went out of the realm for a time, in which there were restrictions on the persons nominated to fill the Councils of Regency. But the noble lord seemed to lie under a mistake in adducing such cases; for they were not in point, inasmuch as they were not cases of any Parliamentary authority. They were merely provisions for the government of the country pending the temporary absence of the King. They were made simply by the King's own will, and as such went through Parliament. Such councils were like those formerly denominated *Custodes Regni*, lords justices, and so forth, deriving their authority entirely from the King who appointed them, and deriving from him just as much authority as he was pleased to confer upon them. He gave them power more or less: there was no question in such a matter about restrictions. *(Hear!)* This reminded him of a circumstance in the discussions on this very subject in the year 1788-9. A great authority (and it was a privilege of great authorities and great names to hand down great absurdities,) said, in the House of Lords then to those who differed from him, "You desire us to ask the Prince of Wales to become Regent, and take upon himself the affairs of the nation. But I will ask you, what *is* a Regent? I have heard of *Custodes Regni*, of the Lords Justices, of Protectors and Defensors, &c. and I can tell you what they are. But what is a Regent such as you desire?" If the great person he alluded to had but looked a little farther into the matter, he would not have asked that question, or have remained longer in doubt upon the subject. Had he opened the statute book, and turned to the statute of George II. for providing a Council of Regency, or to the statute of the 5th of George III. for the same purpose, he would have found what he called the uncertain name of Regent, with the same uncertain definition, conveying to the Regency the whole Royal authority. That great authority had said he knew what was meant by *Custodes Regni*, as if *Custodes Regni*, or Lords Justices, had some kind of certain

constitutional authority! But in fact these were merely substitutes, springing from and depending upon the will of the Sovereign! *(Hear! hear!)* The first instance of the precedents brought to bear on this subject which he should notice, was that of the end of the reign of Edward the IInd. That was the result of the plots of the Queen and Mortimer, who compelled the King, confined in Kenilworth Castle, to resign his crown. Mr. Hume, the historian, gave the names of those who composed the council of regency, but did not say that there was any limitation on the Regency which was subsequently established. The Regency were in fact composed of the instruments of the faction of the Queen and Mortimer; and it was not likely that they would so weaken the powers of a government they made to answer their own views, by restrictions. He the rather inferred this from the subsequent case in Richard the IInd, whose grandfather at his death left him only eleven years old. There were some alterations of the persons who composed this Regency, but there was no limitation of power. The next case was that of Henry VI. when it was necessary to open Parliament by Commission; and a story was told of the means used to pass the great seal through the hands of the young King to give it to the Chancellor. Humphrey, Duke of Glocester, was appointed Regent, not solely, but as the Principal or Protector and Chief of the Council of Regency, with certain privileges appertaining to that station, but reserving expressly all the other prerogatives of government to the Council. This was to be found in the statute-book, and without limitations or reservations. The same they did subsequently, on choosing the Duke of York to succeed him at the head of the Regency. The next precedent was that at the death of Henry the VIIIth, who had appointed a Council of Regency, and had delegated all the Royal authority to sixteen counsellors. Did the Parliament, after his demise, acknowledge that Council of Regency? They did acknowledge it, and they chose the Duke of Somerset as Principal and Protector, but without exclusive personal authority. This became, certainly, a Parliamentary precedent upon the subject, because Parliament actually adopted it. In all these instances, which he had looked into, not for the purpose of making out a case, but which, for information, he had read and considered with his best attention. The learned gentleman declared, that so far from finding in any of them any limitations or restrictions, the whole

power was conferred on the whole Council of Regency. (*Hear! hear!*) Well, then, resumed the learned gentleman, where, if this be so, where was the principle of the precedent as to the restrictions to be found? Was it in constitutional principles bearing by analogy on this case? The moral capacity of the King was gone, but his political capacity remained. His *will* was gone! (*Hear!*) Something therefore was wanting. Who could so well supply the want as the two Houses of Parliament, as representing the whole people? The right to do so arose out of the necessity of the case. There was now a necessity to supply the King's will. Now, what were the limits of that right? Simply to supply the King's will. Appoint the Prince of Wales Regent, and there is an end of the difficulty. They would then have supplied the defect, and restored the will; the moral capacity! (*Hear! hear!*) But they were then called upon to do—What? To abridge the Royal authority! Parliament had been told that the capacity of the King was entire, that the Throne was full; and yet they were called upon to destroy the entirety of the Monarchy, to create a new Monarchy of their own, with or without prerogatives, just as best suited the good discretion of the two Houses of Parliament. Was this a right consistent with the ordinary forms and principles of the Constitution? No! Parliament was, by its office, to aid the King in his government, to watch and to superintend the conduct of his Ministers. And were they now to new-model the Monarchy upon certain principles of expediency? To new-model the Monarchy, on the ground of the independency of the Houses of Parliament? The prerogatives were given to the Kingly office to secure the three Estates of the Realm. Now, he would ask, what the evil was which was to be averted by this scheme for abridging the Royal authority in the hands of the Regent? The reasoning ran thus:—Limit his power, or he may so abuse it, during his temporary possession of it, as to obstruct the return of the King to the resumption of his authority, upon the fortunate event of his restoration to his moral capacity. And, upon this supposed anticipated evil, they were to justify a violation of the principles of the Monarchy! (*Hear!*) There might be, it was presumed, such superfluous use of power by the Regent, as might subsequently, after power passed out of his hands, diminish the authority of the King! He agreed that this was not to be argued or to be considered as a question of

personal character, but that it was to be supposed, that the person to be appointed was one of a character not below that which was necessary to his being intrusted with the office of Regent. We were, therefore, positively and willingly to incur that *very* evil from the hands of a Regent, which we profess to fear we shall suffer upon the return of the King at the close of the Regency!!! (*Hear! hear!*) As to abusing his powers, a Regent unquestionably may do so: and so may a King! (*Hear!*) But had not the Parliament the power of watching, of correcting, of checking the abuses of government? Would the power of a Regent, a temporary and substituted possessor, be stronger than the power of a King? The occasion of taking up this ground of expediency had been presented to several Legislatures before us, and how had they decided? Take the case, for instance, of Philip and Mary. Philip enjoyed the English crown only for the life of Mary. Mary might die and leave a minor or minors. Parliament, in providing for this event, provided for the tutelage and government during such a possible minority. Here was an occasion for the question. That Queen might have left a son within six weeks of his majority; yet Parliament did not impose any of these restraints upon the government by Regency provided by them. Then they might look at the Succession Act in the reign of Queen Anne. It was highly probable that her successor, the Elector of Hanover, would be out of the realm at the Queen's decease. There was a Council of Regency appointed again. Here was another case and occasion for bringing up and acting on this principle of expediency! The Council was to endure only until the arrival of the Prince, which, to be sure, could not take up much time, but might extend to a month or two at most. But there were none of these limitations and restrictions. If ever there was any case for the adoption of this principle, surely that was the case. The only limitation in that Act was a restriction from dissolving Parliament in less than six months.

The only limitation of the Royal authority imposed upon the Council of Regency on that occasion was, that it should not dissolve the Parliament within the period of the six months after the demise of the Sovereign, without the consent of the successor to the Throne. The other restriction was, that it should not give the Royal assent to an Act for the repeal of the Act of Uniformity, or of the Act providing

for the government of the Church of Scotland. These were the sole limitations and restrictions imposed by that act, which amounted to a declaration by the three branches of the Legislature, that in that instance, where there was only a temporary Regency to be appointed, the whole authority of the government was conferred: if there were any case, in which the whole of the executive powers of the Monarchy could more safely be committed than another, it was that of an individual, and that the individual next in succession to the Crown. Such a person could have less inducement or inclination to commit any abuse of the powers with which he may be invested, than a council composed of many individuals, who might each have his temptations to employ the powers entrusted to him more or less for his private interests rather than for the public good. But in the case to which he had just referred, the three branches of the Legislature, in passing that act, had shewn, that they considered it wiser and more constitutional to convey to the Council of Regency the whole powers of the Sovereignty, than to confer them in a restricted and mutilated state. The next precedent he found was the Act of the 24th of Geo. II. by which provision was made for the establishment of a Regency in the event of the demise of the Sovereign, leaving the issue of the then late Prince of Wales under age. It might have so happened, that the demise of that Sovereign should have taken place at such a time, as to leave his grandson within a year or even a month of the expiration of his minority, and consequently this Act, which must have been passed in the possibility of that circumstance, was to be considered as an Act to provide a temporary Regency, and for a short period. But had the Act, therefore, provided any limitations of the powers of the Monarchy to be confided to the Regency? No. The only limitation imposed was, that the Regency should not have power to give the Royal assent to an Act to alter the Succession, nor to any act for the repeal, of either the Act of Uniformity or the Act of security for the Church of Scotland. With these exceptions, the whole powers of government were to be vested in the Regency. This was therefore another instance in which the three branches of the Constitution deliberately sanctioned the conveyance of the whole of the Royal power to a Regency, with the exceptions he had noticed arising out of the special circumstances of the country, and not founded upon any principle of the propriety of restricting the powers

of the government in the hands of even a temporary Regency. The last case to which he should feel it necessary to direct the attention of the Committee, was the Act of the 5th of the present King. This Act followed the provisions of the former Act, with the exception that the restrictions respecting the giving the Royal assent to an Act for altering the succession was omitted; and the only power of the Sovereignty withheld was, as in the two preceding cases, the power of giving the Royal assent to any Acts for the repeal of the two Acts which had been passed for the security of the Church establishments in England and Scotland. In all these instances, they had the legislative parliamentary declaration, that even in the case of a temporary Regency, the powers of the government ought to be conveyed without limitation or restriction. But it might be said, that the cases he had quoted were cases in which the Executive powers had been conveyed to a Council of Regency, and not to a sole Regent. This, however, was not the case: for, though the distinction would not in the slightest degree weaken the force or affect the principle of his argument, yet he must remind the House, that the Act of Philip and Mary was altogether a legislative provision to constitute Philip sole Regent, without any limitation of the powers of government during the whole minority of his issue, if he should survive his consort. The reasons why there had not been sole Regents more frequently appointed, appeared to be, that it was not always that persons standing in the situation of heirs-apparent were to be had; and it was considered inexpedient to appoint persons who were not likely at some time to enjoy in their own right the whole of the Executive powers, to the situation of sole Regent without any limitations. Besides, it must always be had in remembrance, that the heir-apparent would be much less likely to abuse the powers of government, which he would have afterwards to exercise in his own behalf, than any individual not so directly interested in the succession to the Sovereignty. The appointment of Councils of Regency, therefore, was a judicious precaution against the influence of human passions. They must altogether forget the nature of man, and the influence of power, if they could not perceive, that a power committed to many, was more liable to abuse, than if confined to a single individual. In the latter case they would have the personal responsibility of the individual; but in the former, all the effect of that personal respons-

bility of individual honour, as checks against the abuse of power, would be entirely lost. In fact, if they were to look to the history of all countries, it would be found that power had been more frequently abused when committed to many, than when exercised by a single individual. In his view of the question, the House had no right whatever to impose any limitations on the Sovereign powers to be entrusted to a Regent. Though it might be urged against him that his argument, to be consistent, should be extended to the provisions for the care and custody of his Majesty's person, he must observe that it by no means went so far. The provisions for the care of his Majesty's person were not restrictions affecting the powers of the constitutional Monarchy, but collateral to it, and forming only a part of it. But he would go even to the extent of saying, that Parliament had no right to make such provisions, desirable as they might be, either for the custody of his Majesty's person, or for producing facilities for the resumption of his Royal authority, on his happy restoration to health. But the arguments advanced in support of the necessity of such provisions proceeded on the supposition, that the Prince, if appointed Regent, would refuse his assent to an act for carrying them into effect. The whole theory rested on the presumption that that illustrious Person would thus grossly violate his duty, and abuse the powers committed to him. It was his wish, on this occasion, to put every consideration drawn from the personal character of the Prince out of the question. They were to legislate on a great public interest, and should be influenced only by great public principles. But even supposing that any such abuse should take place, would not the two Houses of Parliament have constitutional power to controul such a proceeding? If the Constitution were too infirm for this controul, they ought to new-model it. But it was not infirm; the three branches had been happily combined for their object, and were perfectly balanced in their operation. Yet, might it not be contended that the powers of the two Houses, which were found sufficient as a check on the abuse of power on the part of the King, would be an adequate check upon the Regent? If they were to consider the question on the ground of expediency only, then they must give up all idea of discussing it as a great abstract constitutional principle, because the whole would then turn upon the expediency of the particular case. As he had shewn that in no instance had any limitations been

imposed upon the persons appointed Regents, he would ask whether this was a case, in which for the first time in the history of the country they would be prepared to impose such restrictions? Impressed strongly with the considerations he had urged, he did not think that any gentleman would be of that opinion. He had submitted these considerations to the Committee, being not original, but the result of much industry, labour, and research; and he should leave it to the wisdom of the Committee to draw its own conclusions from them. The general results of all he had been able to collect was, 1st, that the right of limitation of the powers of the Crown in the hands of a Regent or a Regency, had never been exercised by that House. 2nd, That such right of the House was founded upon no authority, and in the case under consideration went beyond the necessity which created it, and was inconsistent with the Constitution; and 3d, That the expediency of such a right was as unfounded as the right itself. He had stated the reasons with all humility which led him to these conclusions, and he left it to the Committee to decide upon them. He should only add, that if the Committee should adopt the resolutions, they would take upon them an awful responsibility to the Constitution, which having received entire from their ancestors, they would thus hand down to their posterity mutilated and deformed. (*Loud cries of Hear! hear!*)

Lord Castlereagh explained.

Mr. W. Smith expressed his regret at having supported the resolutions of 1788, which were carried, he believed, by a struggle for power, on the part of those who were in power at the time, and wished to retain it as long as they could. He should, in this instance, vote for the amendment.

Mr. Bathurst supported the propositions of the Chancellor of the Exchequer, and replied to many parts of the speech of the right hon. gentleman opposite (Mr. Canning); but was not distinctly audible in the gallery.

Mr. Canning, in explanation, justified his former arguments, and observed that all those who had spoken in favour of the resolutions, from his right hon. friend who opened the discussion, to the right hon. gentleman who spoke last, had commenced their speeches with a profession of respect for the precedent of 1788, and ended with recommending some deviation from it.

Mr. Bathurst and *Mr. Canning* mutually explained.

The gallery was then cleared, and a division took place on the Amendment.

For the Amendment - - -	200
Against it - - - - -	224
Majority - -	24

A division then took place on the 2nd Resolution, respecting the power of creating Peers.

For it - - - - - -	226
Against it - - - - -	210
Majority - -	16

On the third Resolution, respecting the power of granting Places and Pensions, the division was as follows:—

For it - - - - - -	233
Against it - - - - -	214
Majority - -	19

We understood that the 4th Resolution, respecting the King's private property, was unanimously agreed to.

The consideration of the 5th Resolution was then postponed, and the House adjourned at half past twelve.

HOUSE OF COMMONS.

TUESDAY, JANUARY 1.

STATE OF THE NATION—REGENCY.

The Chancellor of the Exchequer rose, and moved that the House should resolve itself into a Committee on the State of the Nation: carried.

The Chancellor of the Exchequer rose again, and stated, after the length of time during which the House had honoured him with their attention yesterday, it would be inexcusable in him to detain them, on the present occasion, at much length. Indeed, he had little more to do than to repeat somewhat more fully those grounds he had already laid before them, and which he had recommended to their

serious attention, and their favourable reception. But one or two observations, he might yet with propriety make. It was particularly due to his own feelings, to notice the general principles and views of the resolution now to come under the consideration of the House. However the minor parts might fairly admit of some differences of opinion, the general principle of that resolution he considered to be one of extreme importance to the whole of the subject under the consideration of Parliament. He had last night, in reviewing this branch of the subject, that which related to the household of his Majesty during the limited period of the restrictions on the Regency, touched on what was, in his mind and feelings, the strongest ground for the recommendation of the measure he now was to submit. That point was, the consideration of what might be the feelings of his Majesty on his recovery, or at the beginning of his recovery, which no man could say, after what had been heard on that subject, might be an event not distant, with respect to the state of the appointments of the Royal household at that period, compared with their state at the time when his Majesty's lamented indisposition commenced. That desired recovery might take place in six weeks or in two months; and what might be the feelings of his Majesty, and the effect of those feelings, on a recovery from a disorder, no longer knowing what were the feelings and what were the provisions of Parliament in the year 1788-9, when he found that Parliament had not, on the present occasion, concurred in the reasonable request made to adopt a course similar to that pursued on a former and similar occasion? If in the discussions on the whole of this great subject, there was any point of more importance than another, it was that of taking care for the essential interests of the public; but in endeavouring to do so, nothing was more essential than to provide the means for facilitating the resumption of the full exercise of the King's power, on his restoration to health, or the beginning of such restoration. (*Hear!* from the opposite side.) He should like to know what there was disorderly in what he had said. If so, let it be pointed out. He would say, that if he acted upon his own feelings and the duty he owed, he must feel it incumbent upon him to put that strongly to the feelings of that House, which operated so strongly upon his own. The question was not merely whether restrictions respecting the Royal household should be continued for twelve months; but whether, if any cause should occur,

within any time short of that (and he had sanguine hopes that the interval preceding such a pause would be a short interval), and Parliament should have adopted a measure, by which alteration should be made in the Royal establishment, contrary to what the King had previously, in the exercise of his Imperial power, adopted, whether, in that case disagreeable circumstances might not occur with respect to the facilitating his Majesty's recovery? There was no wish on his part to use any unnecessary importunity in pressing this subject on the House. It was absurd to suppose, that in the short period proposed for the limitations of the Regent's power, there could arise, under the provisions proposed, any constitutional danger, or natural mischief, which called on the House to act otherwise, at the risk of the great considerations he had stated. He knew that some might speak of economy, and that this would have some effect on some members, as well as on some out of doors. Let the feelings of the House answer the observations on economy on such a subject. His noble friend, who spoke under the gallery last night, (Lord Castlereagh) wished that the State Officers of the King should be given up to the Regent, and the inferior or domestic officers remain under the controul of her Majesty. Let it be recollected, however, who those State Officers were, and by whom they were appointed: the Lord Chamberlain, the Lord Steward, the Master of the Horse, the Groom of the Stole, the Lords of the Bedchamber, and others. In the view of the limited Regency for twelve months, he supposed nobody thought of giving to the Prince of Wales a state establishment exactly similar. There might be no necessity, for instance, for so many Lords of the Bedchamber. If they gave to the Regent a smaller number of State Officers, such as suited the nature of a temporary government, not divested of splendour, he apprehended that the whole expence might be covered by about 14 or 15,000*l*. He thougth this a reasonable sum for such an establishment of officers; but this he did not state with any precision, but rather with a view to the arguments respecting economy. If the question were upon an annual establishment, it would be different; but this, small as it was, was only proposed for twelve months. He was sure that no man could object, on the score of economy, to this, if the slightest apprehension of inconvenience were entertained by adopting a different course.—It had been said, that this could be an establish-

ment independent of the Royal establishment left under the Queen's management: and that the Queen's counsellors might, from their own views, abuse their powers: that a state officer, too, in the Royal Household, might be removed by the Queen on the advice of her Council, for a part he might take in Parliamentary proceedings, contrary to the wishes of the Council. Nobody could doubt that, if that were done, it would be a serious abuse of the powers entrusted to her Majesty; but he could not see how it could enter into her Majesty's mind to use her power in such a manner. If in any matter of this kind he could make such alteration in the plan as would reconcile it to any number of persons in that House; if by giving up the Queen's power of removal for instance, he could conciliate to the plan any number of those who now objected to it, he admitted that it would be with him a great consideration. But on the principle, it was wrong; for in all the departments in which these state officers were at the head of them, the lowest domestic officer was appointed by such head officer. The porter, that waited at the door at the Palace at Windsor, was appointed by the Lord Chamberlain; the clerk of the kitchen, by the Lord Steward; and the persons attending the King's stables, by the King's Master of the Horse. While the question was only upon a restriction, he could not see how any body could wish to vote for measures, which, in these particulars, might produce such very great inconveniencies. He wished the Committee seriously to consider their resolution. He must intreat them to think of the mischiefs they might produce, if they did not suffer the establishment for a short time to remain as it now is. (*Hear! hear!*)—In a constitutional view, he admitted that the restriction in the creation of peerages was a more important consideration; but in the view of his Majesty's restoration to the full exercise of his royal functions, it bore no comparison with the considerations that suggested themselves on this branch of the general subject. It was their duty to provide the surest and easiest means of the resumption of his Majesty's powers; and in doing so, they would be careful that nothing they did might tend to have any unfavourable effect on his Majesty's mind, when the desired and looked-for change commenced. These opinions and recommendations he felt himself justified in repeating, and he left the further consideration of the subject to the Committee. He then moved the resolution.

Earl Gower then rose, and observed that the right hon. gentleman had said, that economy might have an influence on the minds of some members: he must remark, that it ought to have a great effect on the minds of all. (*Hear!*) The present are not times for any unnecessary expenditure. The nation was willing to support the appropriate dignity and splendour with which the Executive Government was clothed and adorned; but during his Majesty's retirement, there could be no occasion whatever for maintaining all the external grandeur of the Crown around the Royal person. He thought it in vain to argue for it; it was self-evident. The other point, that of the possibility of a party being formed, by keeping up an expensive unnecessary establishment, was of great importance. It was quite unnecessary to prove that the Government of a Regent was in itself weaker than that of the King. All the current of our history shewed that to be the fact. By the restrictions already agreed to, we had made the Regent's Government additionally weaker. (*Hear!*) He would not say that such a party as he alluded to would be formed; but he would say, that it was possible that if it were formed, it would be improper, and that means ought to be taken to prevent its formation. (*Hear!*) He should on these grounds move an amendment, to leave out certain words in the resolution, after the words "the King's Most Excellent Majesty," respecting the power of the Queen in removals, &c. and to insert words to the following effect, "together with the sole direction of such persons and establishment, as are suitable in the present circumstances to the care of the King's sacred person and royal dignity."

Mr. Henry Martin thought that the right hon. gentleman opposite had gone quite as far, in his address to the feelings of the House, as his own personal feelings could have led him. But he would protest against this mode of making an appeal, at any time, to the feelings of Parliament, however the personal feelings of any right hon. gentleman may be affected. He, for his own part, did not find it necessary to be constantly stating his feelings of attachment and duty to his Sovereign. He hoped rather that his feelings should be judged of by his conduct, as those of every member ought to be. (*Loud cries of Hear! hear! from both sides*). If the House owed a duty to the person of the King, they were not to forget that they also owed a duty to the Crown and to the people. He protested against the attempt to separate the King's person from the Crown. Con-

sistently with the view he took, he preferred the amendment. He objected to the resolution, as contrary to constitutional principles. To the second resolution he had agreed, because by that they pledged themselves to supply the existing defect in the exercise of the power of the Crown; and that was all that they were called upon to do. The third resolution went to the preservation of the kingly power, and that was the whole which they were called upon to supply; and not to diminish the rights of the Crown itself. (*Hear!*). The household, as well as every other prerogative and privilege of the Crown, were given by the people, who entrusted them to the Crown for the general benefit. They were bestowed on the King, not for his personal convenience, but to adorn his magistracy. Believing that to be the reason of the King's holding them, he should be glad to know for what purpose they were called on to dismember the Crown, by taking away what had always been annexed to it? Principles—the Chancellor of the Exchequer had none on this subject, for he had stated none. Precedents he had none, for no precedent had he referred to! There was one precedent he could give, but he hardly thought that the right hon. gentleman would be ambitious of making use of it. It was the case of the Lords Ordainers, who extorted from the unfortunate Edward II. the appointment of the chief officers of his household. That could scarcely be taken as an authority. The transactions of 1788 could never constitute a precedent; for a precedent must have been complete and acted upon; if not, how could it be used in judgment? That transaction was not complete in the House of Commons; but in the House of Lords, on many objections, the great person whose name had been already mentioned, had admitted a readiness on his part to agree to considerable alterations. So far, it was clear, it was no precedent. The honourable gentleman contended, that there having been no precedent, it would be extremely wrong in the House to think of stripping the Regent of those powers which had always belonged to the King, and without which it had uniformly been contended that the kingly office could not be maintained. He more particularly objected to the resolution on this further ground, that the House had already agreed to trust the Prince of Wales, as Regent, with the power of the sword; but they were now desired to refuse him the nominating of the household—a circumstance which would be deemed highly derogatory

to the character of any private individual who was desired to accept a trust under such restrictions, as conveyed confidence on one hand, and jealousy and suspicion on the other. He flattered himself he would always be found as attentive in all his duties to his Sovereign as any other member of that House, and no man could be more averse than he was from diminishing in the smallest degree the magnificence and splendour which ought to be attached to him in his royal capacity; but in the present case the House ought only to consider the real personal convenience and comfort of his Majesty. No splendour could be necessary to his present unfortunate situation. He could not therefore agree to grant, in a time of great public pressure and exigence like the present, any additional expenditure, which might be saved to the country; and, seeing nothing to be dreaded in trusting the Regent with the government of the household, as well as with the government of the empire, he should certainly vote in favour of the amendment proposed by the noble lord.

Mr. Ryder and *Mr. Johnstone* rose at the same time, and there was a considerable cry of *Mr. Ryder;* but the other gentleman having first caught the eye of the Chairman,

Mr. Johnstone began by protesting against the doctrine of the honourable and learned gentleman who had just sat down, as applied against the right hon. the Chancellor of the Exchequer, for having adverted to the personal feelings of his Majesty in case of his recovery. So far from his (Mr. Johnstone) thinking him deserving of censure, he was clearly of opinion that his right hon. friend had done himself the greatest credit and honour in shewing his respect and gratitude to a beloved Sovereign, who had placed in him the highest and most flattering confidence; and though he could not agree to the Resolution his right honourable friend had proposed, he must do him the justice to say, that he admired him for paying that regard to his Majesty's feelings which he had done. Much had been said as to the precedent of 1788; but he was convinced that if the limitations proposed at that time had taken place respecting the household, the most mischievous consequences must have resulted from them. He confessed he was surprised at the manner in which his right hon. friend had stated the amount of the expence of the house-

hold. It was in 1788 acknowledged to be 400,000l. and this was to have continued, not for a limited, but an indefinite time, at the disposal of the Queen. His right hon. friend did not, however, on the present occasion, attempt to grasp at any extraordinary power, as was the case with his predecessor in 1788: but still he (Mr. Johnstone) could not consent to sever from the Crown the various powers which his right honourable friend now proposed to do; and that from no other material reason than that his Majesty might soon recover. This was an argument on which he thought much more stress had been laid than it really deserved. In case that happy and much-wished-for event should fortunately take place, he firmly believed it would be universally hailed as a blessing to the nation; and if the Commons and the Lords were to enter into a combination for the purpose of keeping the King out of his power, he was perfectly well convinced, the people of the country would not suffer it. Many persons in that House, and some out of it, had lately been clamorous for granting to the Prince of Wales that power, which they had frequently endeavoured to abridge in his Majesty, the granting of places in reversion. This, however, he could not consent to; but under all the various circumstances of the country, at the present moment, he could not agree to the present resolution.

Mr. H. Addington also expressed his astonishment, that the honourable and learned gentleman (Mr. Martin) should have noticed as he had done, the mention which the right hon. the Chancellor of the Exchequer had made of the King's name, and the appeal which, in his (Mr. Addington's) mind, that right hon. gentleman had resorted to on the score of his Majesty's personal feelings, in case of a speedy recovery, on finding that all or any considerable part of his household had been changed. It appeared to him to be impossible for members of that House, in a debate like the present, to convey their sentiments without a direct mention of his Majesty's name, and therefore the rule which was their guidance in the general conduct of debate upon ordinary matters, could not in the present case be strictly adhered to. With regard to the whole of the present procedure to the appointment of a Regent, as it was a matter of the highest importance, he would certainly wish to go as nearly as possible to the precedent in 1788; but

if the House should be of opinion that any modification was necessary, he certainly should have no objection to coincide in the general sentiment.

Lord Milton considered the resolution now under consideration, by far the most objectionable of all the objectionable resolutions proposed. The question now was, not whether the prerogative should remain in abeyance, but whether it should be transferred to other hands, wholly distinct from those who exercised the Royal functions; not whether certain powers should remain dormant, but whether, after the Regent was abridged, those powers should be exercised by a fourth estate of the Realm, wholly unknown to the Constitution. If influence was to exist at all, it was invariably admitted that it should be annexed to the Crown. Some, and he was amongst them, were of opinion that such influence could be advantageously diminished; but whilst it was allowed to exist, he would never recognize the propriety of that existence in any other hands but those of the Chief Magistrate. The right honourable gentleman (Mr. Perceval) grounded the present resolution upon the propriety of entrusting such powers to the wife of the reigning Monarch. How, he would ask, would that right honourable gentleman provide, if her Majesty should happen to die? Would the right honourable gentleman, acting upon the principle, transfer these powers still farther? Would he, to the injury of the Crown, entrust them to some other relative? Or would he be obliged by circumstances to retrace his steps, and consign them to that chief magistracy from which they ought never to be separated? He (Lord Milton) had heard some gentlemen talk of persons being ready to vote powers to the Regent, which they were unwilling to confide to the King. What those powers were, he was wholly ignorant; but this he well knew, that there were persons who were most anxious either to transfer to an unrecognized quarter, powers which were annexed to to the Crown, or to usurp them themselves, at the very time that they called upon that House to divest the Representative of Royalty of the many rights and dignities connected with that sacred trust. Those persons were the right hon. the Chancellor of the Exchequer and his colleagues. They endeavoured to effect a system which would separate influence from the Government—detach the Court from the State, and in a great degree dismember the Monarchy itself. (*Hear! hear!*) Not only have they provided to deprive

the Government of the Regent of all its legitimate influence, but they have endeavoured by the present resolution to embody an influence under the pretext of being necessary for the protection of the reigning King, but with the view of being, for their own purposes, operative against the Government of his Representative. (*Hear!*) And this course they have pursued for the purpose of guarding posterity from the evil effects of any improper precedent which might be now established. It was not, said they, to meet any personal consideration, but to take care that the precedent of the present day should not be in future times the source of mischievous consequences, that the Regent has been restricted. Why, then, when the right hon. gentleman was taking precaution against the government of bad Regents, was he not equally solicitous against the establishment of a precedent which may be serviceable to bad Queens? (*Hear! hear!*) History was not without instances of ambitious Queens, deaf to all considerations of honour and duty, establishing their own influence upon the subversion of the interests of their husband and of their family. And therefore, he must again repeat, that if the right honourable gentleman was sincere in his assertion, that it was for future safety that the proposed course should be adopted, surely he was bound by every principle of consistency to shew the same solicitude in the case of a Queen invested with such new powers, as in that of a Regent abridged of the legitimate influence of that King whom he represented.

Mr. Stephen stated that he never was more surprised than at witnessing the reprehension to which his right honourable friend the Chancellor of the Exchequer was subjected merely because he had presumed, in the course of his speech, upon what the probable feelings of the Monarch might be, when acquainted with certain proceedings, on the restoration of his capacity. He was aware that the House was restricted by a standing order from an introduction of his Majesty's name, to influence a debate; but he contended that it would be a most cruel application of that order to apply it on a question, in discussing which it was actually impossible to dismiss from the consideration the presumed feelings of the King. Was not the whole case so delicate, and still so important, an exception to that standing order? Would it not be to shrink, as it were, from his duty, were his right honourable friend (Mr. Percival), in such a discussion as the present, wholly to overlook

the consideration of what his Sovereign would feel, when the eye of his intellect is open? Unfortunately there were too many proofs of the exquisite, nay, extreme sensibility of the Royal mind—and with that conviction he called upon the House to appreciate the effect which any alteration in the system he had approved might produce upon the happy recovery of his faculties, when he saw those old servants in whom he confided, and those habitual predilections which he preferred, renewed and changed, and new persons and faces alone about his person. The virtues of the Sovereign had been our best support throughout all the dangers and calamities of these eventful times; and he could not but consider the continuance of the interruption in the exercise of his Royal functions nothing short of an irreparable loss. While he made this avowal, he trusted that no intention of lessening the character of the illustrious Prince, whom that House had determined to appoint, would be imputed to him. For him he felt the most sincere respect, but it was impossible that his claims could be compared with his Royal father. The House could not yield to him that confidence which was the growth of experience. His virtues as a Monarch were yet to be experienced. The scion of the forest, with all its native vigour, was still unable to impart that protection and shelter which was derived from the aged oak. Before we can enjoy that security, we must wait for a reign of fifty years. (*A loud laugh*). Some stress was endeavoured to be laid upon the expence which would be created by the present resolution if carried into effect. He trusted that the House, bound as it was to consult every proper occasion of economy, would not listen to an objection of such a nature in the present instance. What! abridge the comforts of your King?—that King who has reigned fifty years, for a saving of fifteen thousand pounds! He would not calumniate the honest loyal feelings of the country, by supposing that it would approve that appearance of economy, which was purchased at the price of abridging the consolations and comforts of a beloved King. Much was said of a new estate which the resolution went to create, and of the influence which the present servants of the Crown would derive from it. How could it avail them, even if they entertained such a hope? It would be extinct before the end of the next winter campaign. But supposing, for the sake of argument, the objection to be true in fact, he would contend that circum-

stances may arise, involving the best interests of the country, and the rights of the Monarch, in discussing which such an influence thrown into the scale may be attended with the most beneficial and essential advantage. Upon these grounds he most fully supported the resolution of his right honourable friend.

Sir Samuel Romilly said, that although he should have been sorry to let such a question as this pass through the House without giving his opinion on it, yet he should not have intruded himself so early in the discussion, if he had not felt that injustice had been done to two of his honourable and learned friends, (Mr. Leach and Mr. Martin) in the manner in which their expressions had been quoted, and in the observations which had been made on them. There had been nothing stated by either of his honourable and learned friends, which conveyed any disregard of the feelings of his Majesty, in the case of his recovery. What had been stated, and as he thought very properly stated, was, that the gentlemen on the other side dwelt upon that point of what would probably be his Majesty's private feelings more than was proper in that House. It was well known that on common occasions it was irregular and unparliamentary to use the name of his Majesty for the purpose of influencing their proceedings. In this case, although it was impossible to avoid naming his Majesty, yet he conceived it highly irregular to dwell at any length upon his private feelings as an argument to influence the House in the discharge of its public duty. He thought, also, that it was very unfair to assume it as a matter of course, that if power was given to the Regent to discharge the officers of the household, he would immediately proceed to exercise that power by the removal of all those servants to whom his Majesty was particularly attached. This supposition, most injurious to the character of his Royal Highness, must also be assumed, before the attention of the House was called to the distress of his Majesty's feelings upon his recovery. He was sure that those who undertook to state to the House his Majesty's private feelings were very much mistaken on that subject, if they supposed that his Majesty could ever harbour such a suspicion of his eldest son and heir-apparent, as to suppose, that if he was entrusted with the full functions of Royalty during his illness, he would immediately abuse that power for the purpose of embarrassing him in the exercise of his Government, if Providence

should be pleased to restore him to health. As to the bare possibility of power being abused, he would ask how that was to be prevented? What security, for example, was there that this power might not be abused in a similar manner in the hands of the Queen? (*Hear! hear!*) The security was only in the natural feeling of conjugal affection, which made it unlikely that she would run the risk of wounding the feelings of his Majesty by removing his particular friends, and appointing strangers to his household. Now if the House considered that there was perfect security for the private feelings of his Majesty in this point, by relying on the conjugal affection of the Queen, he would ask, was there no security in the filial affection of the Prince? (*Loud cries of Hear! hear!*) Any argument which proceeded on this supposition, was highly injurious to the character of his Royal Highness. What else could be meant by those who expressed such fears, that in the space of a very few weeks after the passing of the Bill, all the officers of the Household would be discharged, and strangers put in their places. It was insisted too, that of all the changes which could be made by the Regent, the changes which might be made in the Household would affect most deeply the private feelings of the King. What! would the gentlemen on the other side state, that no appointments, or no change of appointments which could be made with respect to military and naval commanders, or to the whole internal administration of the country, on which the happiness of the people depends, would affect the private feelings of his Majesty so much as the dismissal of some Lords of the Bedchamber? The gentlemen who maintained that argument seemed to consider, that, whether the war was conducted with wisdom or folly, whether a peace might be made on honourable or disgraceful terms, or whether the people were to be rendered happy or unhappy by the manner in which they were governed, were points which might be committed absolutely to the discretion of the Regent, as they only related to the interests of the nation, but that the deepest attack which could be made on the private feelings of his Majesty would be in removing the Lords of the Bedchamber. He thought, however, that the gentlemen on the other side had been as completely wrong in their opinion of the private feelings of his Majesty, as they had been irregular in introducing them for the purpose of an undue influence on the House. It was absurd to say, that the Prince might safely be trusted with

all the higher powers of the Government, upon which the honour and security of his Majesty's Crown as well as of the Country depended; but that he was not fit to be trusted with the regulation of the Royal Household, or with the appointment or removal of a Lord of the Bedchamber. Before he proceeded to state his opinion on the particular resolution submitted to the House, he hoped that he would not be considered much out of order, in making some observations upon the restrictions in general. This question was so connected with the particular one before the House, that he did not know how to separate them. Whatever severity of censure he might expose himself to, from delivering his opinion, he would say, that he felt very great doubts of the rights of the two Houses of Parliament to propose restrictions on the power of the Regent. (Loud cries of *Hear! hear!* principally from the Ministerial benches). He should repeat, that he had great doubts, whether the two Houses possessed any such right; and it appeared to him, that the resolutions which they had adopted were inconsistent with the course that they were pursuing. They first, in their resolutions, state, that it is the right and duty of the two Houses of Parliament to supply the deficiency in the Royal authority; and, after so stating that it is their duty to supply it, they proceed by leaving part of it unsupplied. From the necessity of the case, the two Houses had a right to supply the Royal authority; but he did not think they had a right to substitute any thing else in the place of it. The two Houses had a right to restore what was deficient in the Constitution, but they had no right to alter it without the consent of the third estate. They had not a right to make a new Constitution at their pleasure. If the two Houses, for example, should choose to appoint a person merely to give his assent to their Bills, leaving at the same time all the other functions of Royalty unsupplied, they would be doing a thing which they had no right to do.—Their right and their duty was to supply the deficiency in the Monarch during the illness of the Sovereign: and if they did not supply the deficiency, but only what part of it they thought proper, they would be failing to discharge that which, in their own Resolution, they had declared to be their duty. A right honourable gentleman had said, that the House had a right to do no more than to delegate such parts of the Royal authority as was necessary for the well-being of the Government. That gentleman had not, however, explained what part of the

Royal prerogative was not necessary for the well-being of the Government; and, he must say, that in the course of his studies, he had never found out what was unnecessary. If any branches of the prerogative were not necessary, they ought not to exist. A power that was quite unnecessary, ought not to be placed in any hands. As to the restricting the Regent from making any Peers, except in reward for naval or military services, he could shew, by some instances, that there were other cases in which the restriction might be positively injurious to the public service. There was a report very current, and the right hon. gentleman, Mr. Perceval, could say whether it was true or not, that on the last appointment of Chief Justice of the Common Pleas, his Majesty had selected for that situation a man of great professional talents (Mr. Perceval was here alluded to); that gentleman was said to have positively refused the situation, unless it was accompanied by a peerage. Now, if that case actually occurred, the country might be deprived of the services of some other person of talents equally eminent, from the Regent not being able to create a peer. Indeed, before the appointment of the present Lord Chief Justice, the three Chief Justices who had preceded him had been all peers; and there is scarcely an instance of a Chief Justice of the King's Bench not being made a peer. Many men fit for these high stations also aspired to the honours of the peerage; and the country would lose the benefit of their services, if the peerage was to be withheld from them. But when he mentioned these instances of public inconvenience likely to follow from the restriction, he by no means thought that it was sufficient to allow the Regent merely to give the peerage to such persons as had performed military services, or filled certain offices in the State. He thought that this would be a most invidious distinction in the peerage, to lay it down that some of the Peers were entitled to it from merit, and that the rest owed their promotion merely to the caprice of the Sovereign. It was for the public good that men should rise to the peerage from other considerations besides naval and military services, and therefore to restrict other persons from receiving the honour of the peerage, was as contrary to the public good as it was degrading the Peerage, by making invidious distinctions. All that the Houses of Parliament had now to do, was to restore the Constitution, and the whole Constitution. He differed very much from the opinion which was expressed

by an honourable and learned gentleman (Mr. Stephen) of the speech of his learned friend (Mr. Leach): so far from thinking that it could be called illogical and unsound in its conclusions, it appeared to him to be most clear and convincing.—It had been completely unanswered hitherto, and he believed it was unanswerable. As to the precedent of 1788, which had been so much relied on, it did not appear to him entitled to all that weight and authority which had been supposed to belong to it. He might as well flatter himself, that the Bill which he had brought in for the amelioration of the Criminal Law had the authority of Parliament. The Bill which he brought in had passed through the House of Commons almost without opposition; nor were any objections made to it in the Lords, until the very last stage. Now, if any accident prevented the decision of the Lords being taken on this last stage of the Bill, he might just as well plume himself in the thought, that the two Houses of Parliament had adopted his ideas, as the right honourable gentleman (Mr. Perceval) could now bring forward the unfinished proceedings of the year 1788 as a complete and established parliamentary precedent. In fact this precedent appeared to be cited only to be departed from. He was not disposed to attach a greater degree of value to this precedent from what had been said of the high authority of the person from whom it proceeded; he did not feel disposed to worship the memory of Mr. Pitt, although, as he was now dead, he did not wish to speak against him. He knew how many persons in that House were connected with him by private friendship, and were almost idolators of his character and talents. To those gentlemen he did not wish to act with incivility, by dispraising him of whom they thought so highly; but he must say, that, notwithstanding the great talents which he undoubtedly possessed, he never could acknowledge his claim to be considered a *great man*—(loud cries of *Hear, hear*! from both sides). Before he could give him that character, he must see the instances where his great talents were exercised in improving the condition of any part of his Majesty's subjects. Was it possible to read the proceedings of the two Houses in 1788, without being convinced that the object of Mr. Pitt, through the whole course of those proceedings, was merely to retain the power in his own hands as long as he could; and, when he could no longer keep it, to give it up to his successors as much curtailed as possible? He appeared most triumphantly to lay

hold of a single expression, which fell in the course of debate, and made that the pretext for the proceedings which were recommended. The proceedings in Parliament at that day exhibited a struggle, in which scene Mr. Pitt appeared the principal actor, contending for his own power. At the present time, when all the strength of Majesty was necessary, he thought the Executive power should not be stripped of its accustomed splendour, or diminished in its power. The question which the gentlemen on the other side seemed to wish to determine, was, with how small a portion of the Regal authority the business of the country could go on? As to the splendour which ought to surround the Executive power, it must be recollected, that when there were discussions respecting unnecessary burdens from inconsiderable offices, it was always contended on the part of Ministers, that those appointments were necessary for the proper splendour and influence of the Throne. He hoped that they would not now try the experiment in the first office in the country—that of Regent—with how small a portion of splendour and influence it would be consistent with the public safety that the Head of the government should be invested. Did the right honourable gentleman, then, suppose, that because it might be likely that the Regent would encourage such measures of economy, a stop should be put to those reforms to which the people looked with so much anxiety and interest, by imposing restrictions upon the powers to be committed to the Regent? He should, for his part, protest against this doctrine, as injurious to the government of the Regent, and likely to be prejudicial to the interests of the public: but he was particularly averse from making an experiment upon the Constitution, by the appointment of a Regent with restrictions of the powers of the Executive government. This experiment might be tried with much less danger in the case of a person removed, no matter how far, from the succession to the Crown; but could not be put into practice without much apparent hazard in the person of an individual, the Heir-Apparent to the Crown, and who would have at no distant time, perhaps, to take on him the whole powers of the Executive government. To cripple, in the hands of the latter, the powers of government, whilst they may be temporarily entrusted to him, might have the effect of inducing men to conclude, that the restrictions imposed during the term of his Regency, might beneficially be continued whenever, by the course of nature, he should

succeed to the entire Sovereignty. Were these times for trying such an experiment? Was the present situation of this country, and of the world, when it was impossible not to foresee that in the reign of the Successor to the throne the most important events must occur, the most favourable for such a trial? For himself, he should wish most sincerely that the glories of the present reign, which had been so much dwelt upon, should be enhanced in the reign of the Successor of his Majesty; and that the happiness of the people, which was stated to be one of the blessings of his Majesty's government, should be increased under the paternal rule of his immediate Heir. With this view, not only from regard to the Prince, but to the Sovereign, and to the country, he should not consent to any of the restrictions proposed upon the Regent. He would ask any hon. gentleman to lay his hand upon his heart, and say, whether the imposition of such restrictions would not have the effect of affixing a stigma upon the character of the Prince of Wales; and whether it would be safe to try an experiment which would be so contrary to the Constitution, and likely to be productive of such injurious consequences? Upon all these obvious considerations, he should feel it to be his duty to support the amendment.

Mr. Wilberforce observed, that the sentiments expressed by the honourable and learned gentleman, and which no doubt had escaped him unintentionally, bore hard upon those who happened to differ in opinion from him. When the learned gentleman particularised the difficulties in which the Regent would be placed as heir-apparent to the throne, by the operation of the restrictions, he thought his conclusions, though just ground for reasoning, not warranted; and for himself should say, that he deduced the opposite inference from his premises. Nothing, in his opinion, could more plainly mark the distinction between the Throne and the temporary exercise of the Royal functions, than that the person appointed to the office of Regent should be limited in the exercise of those powers and prerogatives which belong to the Sovereign actually filling the throne. He was persuaded, that his honourable and learned friend, when arguing coolly, would not be disposed to maintain, that the limitations proposed on this occasion could, if carried into effect, be any stigma on, the illustrious Person to be invested with the office of Regent. In agreeing to the restrictions, he was ready to declare, that he was not actuated by any

jealousy or distrust of the Prince of Wales. He thought it of importance, on such an occasion, for the Houses of Parliament to act, not upon the ground of any jealousy to be entertained respecting the Royal personage who was now to be appointed Regent, but generally with reference to all persons who may by possibility stand in the same situation. They were always to bear in mind, that though no distrust could apply to the case of the present Prince of Wales, other Princes might be hereafter placed in similar circumstances, in whom the same confidence could not safely be reposed. He was ready to admit, and with satisfaction, that the circumstances of the present Regent were such as to do away all question respecting the effect of the personal distinctions to which he had already adverted. Different opinions must of course be entertained, according to the different view of the subject, taken by gentlemen on each side of the House; but, for his own part, he was persuaded, that what the Committee had to do on this occasion was, to endeavour to ascertain how much of the executive power was necessary to be given to the Regent, in order to enable him to carry on the administration of affairs for a time (*Hear, hear, hear!*) —Unless he let slip some expression of which he was not aware, he was at a loss to find out what ridicule attached to the observation he had just made. He should therefore repeat, that the question for the Committee to decide was, what degree of the royal functions was necessary to be given to the Regent, in order to enable him to carry on the government with efficiency, and what degree of restriction would be expedient to be interposed with a view to prevent any power being conferred which was not actually necessary for carrying on the government, (*Hear, hear, hear!*) and to remove any obstructions to the resumption of his royal functions on the part of his Majesty, on his happy restoration to health. It was not to be denied that at the present moment the country was in a state of war; but he did not think the power to grant peerages during a year necessary to enable a Regent to administer the government. With regard to the main question before the Committee, he would own, that on coming down his mind was not made up, and that consequently he was disposed to listen to every thing that might tend to obviate the difficulties on his mind. Not having expected the business to come on so soon, he had not had the advantage of hearing what had fallen from his right honourable friend, (the Chancellor of

the Exchequer). But he thought that on a question of this description, much consideration was due to the personal comfort and satisfaction of his Majesty; and that for this object it would be desirable, that on his recovery he should not find himself surrounded by persons strangers to him. He trusted, however, that even that would not have any injurious effect, as his Majesty had a truly British heart. On the political question, he was convinced that they all thought seriously, and meant well, for the country. The House would not consider the saving of 15,000*l.* as any material consideration. He looked upon it, that the keeping of persons about his Majesty, who would be grateful to him, would be a desirable object. His right hon. friend (Mr. Canning) had stated last night, that it would be better to give the controul of the Household to the Queen for life, than to fix any limit at which it was to be vested in the Regent. For himself, he thought the happy medium between the two extremes may be adopted. As to what had been said by his hon. and learned friend respecting that great man (Mr. Pitt) now no more, he must observe that he thought differently from him. It had been observed, that great men were only to be known when lost; the contrary was the case with respect to that distinguished Statesman. It was not necessary to contemplate him upon his pedestal; his living virtues were sufficiently manifest to those who possessed his friendship. He was no worshipper of that great man, for he often differed from that illustrious character, but never without pain; and in speaking of him, he did it with all the solemnity of giving testimony: even his opponents must do justice to his talents, his love of his country, his virtues, his disinterestedness; for of him it could truly be said,

Amicitiæ sempiternæ, inimicitiæ placabiles.

—He thought that the main question was, what degree of the powers of the government should be given to the Regent, at the same time that he thought that the Prince would not, in any instance, be wanting in respect, affection, duty, or love, to his Sovereign and father.

Mr. Adam begged the attention of the Committee for a few moments. As to the character of Mr. Pitt, he thought it should be banished from their consideration; the question was not involved either in the character of Mr. Pitt or his

great opponent, Mr. Fox. To the former he had for a long period been opposed; but, from the opportunities which he had had of seeing him in private, he had seen in his mild qualities only what was calculated to ensure to him the esteem and respect of even those who were politically opposed to him. In the course of the discharge of an arduous professional duty, he had frequent opportunities of knowing the sentiments of Mr. Pitt, and they were such as must have endeared him to every person. He was anxious, however, to separate the question from all such considerations, and to look at it abstracted from all such authority. There was an opinion against restrictions; there was an opinion for restrictions to a certain extent, and no further; there was then a set of regulations and a set of restrictions—the Committee would consider how far the reasons advanced in behalf of either were conclusive and satisfactory, and would judge accordingly.

After mentioning the principal officers of the household, the Lord Chamberlain, the Master of the Horse, the Lord Steward, and the Groom of the Stole, he stated that these had other duties to perform independent of those particularly connected with his Majesty's establishment: the Lord Chamberlain, for instance, had a superintending power in some cases of national importance, and the office of Lord Steward was a high judicial situation. The question was, whether these might not be transferred to the household of the Regent, in order to strengthen the powers of the government, without detraction from any of the comforts of which his Majesty's situation was susceptible? He should wish that the discretionary power over the whole might be left in the hands of the Regent, that he might have an opportunity of evincing his anxiety for the welfare of his father, and his own forbearance. But if he found that this was contrary to the sense of the House, he would support the amendment as a medium. The principal part of the household which was connected with the executive authority, to be transferred with it, and the rest to continue in the hands of the Queen consort, for the comfort of his Majesty, and the support of his royal dignity. Though the difference between himself and the Chancellor of the Exchequer was great in point of principle, it was little as far as respected the comfort of his Majesty. He (Mr. Perceval) proposed that the Queen should have all for the present—to be deprived of a part at the end of a year; but he (Mr. Adam)

and those with whom he acted, recommended that the separation should take place now—and, supposing his Majesty were to recover in a week after the expiration of the year, he would find himself, under the provision of the Chancellor of the Exchequer, exactly in the situation in which, if the amendment should be adopted, he might be placed at the end of six weeks.—And now came the great point—the constitutional question. He did not mean to contend that nothing should be left to the Queen, having the case of the royal person to support; not only the comfort of his Majesty, but the dignity of the trust—but he did say, that the great political offices of the household ought not to be separated from the Executive authority, and that no *imperium in imperio* ought to be created. Though he had heard this subject discussed by some great men in 1788, yet there was a doctrine connected with it which had never been distinctly brought forward and settled. It had been doubted whether the Regent was irresponsible like the Sovereign. He maintained that there could be no constitutional doubt on the subject—that the Regent was irresponsible as well as the King—that by the Constitution irresponsibility belonged to the Crown whoever wore it, and responsibility to its advisers. Applying this doctrine to the question now under consideration, he asked, whether the political power of the household, belonging properly to the Crown, ought not to be placed in the hands of an irresponsible executive officer with responsible advisers, rather than in the hands of the Queen, of whom he spoke in terms of the highest respect as the consort of his Sovereign, a person not irresponsible?—And he at the same time remarked, that no intention had been expressed of proposing any alteration in the Bill with regard to this important point. This influence and patronage of the Crown then was to be placed in the hands of a responsible individual, and that individual the consort of his Majesty, who might possibly exercise a portion of the power entrusted to her without the advice of her council—so that the person holding a part of the authority of the Crown would be liable to be called to an account in opposition to the established maxim, that the King, in his political capacity, could do no wrong!—Why then it was clearly the constitutional doctrine, that the power properly belonging to the Crown should be placed in the hands of an irresponsible individual, with a responsible council.

As to the influence of the Crown, we know how it would stand when in the hands of a responsible individual; the influence of the Crown was not only a subject to be found in the theory of the Constitution—it had been recognised by Parliament when the resolution was passed, that the influence of the Crown had increased, was increasing, and ought to be diminished.—Why, then, was it inconsistent with a just regard to the Constitution to place a considerable portion of the influence of the Crown in the hands of one exercising a power which had nothing to do with the executive government? They were then considering how the defect in the Executive authority was to be supplied—and he maintained, along with his hon. and learned friend (Leach), who had accomplished what he had never before witnessed—his speech having, by the force of its powerful logic alone, secured the profound attention of the House—that the two branches of the Legislature had never altered the power of the Crown so as to leave a portion in the hands of one having nothing to do with the Executive government, but that this power had always been preserved entire—that, whether under a protectorate or any other superintending authority, the power of the Crown was always in the Monarch—though, in the absence of the King, Lords Justices, or persons under whatever denomination, might be empowered to administer the daily acts of the government.

Adverting briefly to the question of expediency, he protested, upon that ground also, against severing the influence of the Crown from the Executive government. Did nothing depend on the degree of power entrusted to the Regent, in regard to the opinion to be formed of him by foreign nations, and even by our enemies? Would it add nothing to the weight of the credentials of ministers to be sent to the few foreign nations that still remained friendly to us, that it should be understood that the Regent had been so trusted, and that Parliament had not thought proper to withhold from him the extraordinary powers of the Crown, to be exercised for the benefit of the people, and which was the people's unalienable right? He concluded with repeating, that his object was not to take from the King those about him who might be necessary for his comfort and dignity, but that those officers who held high political authority should not be separated from the Crown; and that there should be no interference with the constitutional principle, that he who

administered the Executive government should have the patronage connected with his situation.

Lord Desart defended the character of Mr. Pitt, which, he said, had been improperly attacked by an honourable and learned gentleman opposite (Sir S. Romilly). The discussion might have been carried on without depreciating the character of one who was now no more, or at least without attributing to him motives which it would have been uncandid to have ascribed to any living member. He affirmed, that Mr. Pitt had been actuated by other motives than the preservation of his power—that he had done much good indeed to the country—that he had laid the foundation of our naval superiority—that he had preserved the country from the horrid scenes which the late revolution had occasioned in France—that he had by his powerful eloquence eradicated the seeds of democracy from many of those minds in which they had been most firmly rooted—that his commercial and financial abilities had been universally acknowledged—and particularly that his financial talents had been allowed, even by those who denied his other great qualities. His eloquence, indeed, had not done all that he imagined; for the honourable and learned gentleman had again brought forward the claim of right, which he thought had been abandoned on all hands. He supported the mode of proceeding by Bill, and the restrictions. This would prevent all invidious distinctions as to future Regents. All the precedents, that of 1788, as well as the rest, were in favour of the restrictions. Ever since the Constitution had been at all settled, no Regent had ever been appointed without restrictions. That rule had always been acted upon, even when other things were in a fluctuating state. The feelings of the King were to be respected, and the paltry saving that would arise from depriving him of the officers of the household was not an object of consideration.

Mr. Fuller thought that the saving of 15,000*l.* ought not to be regarded as any object in comparison with the satisfaction which the Sovereign would derive from seeing all the people of his own choice about him when he was restored to the sense of life, and the feelings which belonged to him. He would give up, therefore, the 15,000*l.* for the twelve months, that the Sovereign might observe, when he should be restored, that the people had not deserted him. As to the peerages, and all that sort of stuff *(a laugh)*, he should have had no objection to give them to the Regent, provided

the rights of the King were preserved; but he heard from a noble lord under the gallery, that there never had been a precedent for a Regent without restrictions; and, standing there as a legislator, this argument had produced a powerful effect upon his feelings (*Laughter*). The laugh he told them was on the wrong side. He should consider himself a villain, if he did not support his King in his present situation. He could not agree that he should be deprived of his household at once. These lords might act for nothing for a twelvemonth; but at any rate to talk about the saving of 15,000*l.* was nonsense. He had no doubt the people would cheerfully pay it.

Mr. Canning began by observing that in the latter part of the debate the question now before them had been lost sight of; and he might do some service in recalling it to the attention of the House, while he explained the ground of his own vote. During the latter part of the debate, not only the question of restriction, but the whole subject that had been for some time past before the House had been again discussed, as if the vote of that night would have decided all. But, he apprehended the question now under consideration lay within a very narrow compass. It was but a small part even of a small part of the whole subject, and it would not at all affect the other resolutions. In giving his vote this night, he would reserve to himself the right, when the Bill should be brought in, of considering very minutely the details by which the principle of the resolution should be carried into effect, viz. the care and custody of his Sovereign. The question then before them was, what degree of power, and whether any political power, should be given to her to whom, by the consent of all, the care of his Majesty's person ought to be entrusted. As to the settlement of the Regency, he thought they had gone too far, who had recommended caution in regard to the present proceedings, as they would constitute a fixed rule to guide all future Parliaments who might be called upon to make provisions of this nature. In the present instance, he agreed that the Regency should be committed to the Prince of Wales, and the care of his Majesty's person to his Royal Consort; but he desired it might be distinctly understood, that he did not consider himself as giving an opinion that in all future possible cases either the Regency or the custody should be so confided. On the contrary, he utterly denied that they were now settling an immovable precedent for the

future. This he thought it necessary to say, in order to argue on the present case with more freedom.

The resolution now before them, divided itself into three parts:—First, That the custody of his Majesty's person should be given to the Queen—on that point there was no doubt. Secondly, That it was expedient that for the due administration of this trust, her Majesty should have a Council—on that too, as a general proposition, he presumed there was no difference of opinion: but there was an intermediate proposition between these two, which formed the question for the present discussion; namely, that a trust of considerable political power should be committed to the Queen—that she should be enabled to remove not only the officers of his Majesty's household, of less consequence in a political view, though of great importance with regard to his Majesty's comforts, but also persons standing high in the political scale. The real question then was, whether they might not sufficiently provide for the comfort and dignity of his Majesty, without committing considerable political authority to hands where political power had never before been placed. That was the whole question. Supposing he were to vote for the original resolution, he should then decide, that the Queen should have the power of removing sixteen great officers sitting in the House of Lords, and several sitting in the House of Commons. If the amendment then went to the general words for the purpose of taking care that a point of such importance should not be hastily decided upon; if that should be adopted, there would be nothing in it to prevent the granting of power when the Bill should be brought in, even political power. But he did not wish to be pledged by the vote of this night to give all. If then he was called upon to decide in one night, that political power to so great an extent should be placed where political power was never placed before—if he had only to choose between two propositions—one deciding the question at once, the other allowing time for consideration, and neither being so new in its nature, nor involving such consequences—he was disposed rather to adopt that alternative which afforded him further time for deliberation. —With regard to the object for whom this provision was to be made, he was deserving of every attention, not only from his rank, but on account of his dearness to the hearts of his subjects. And to whomsoever the care of his Majesty's person should be entrusted, and whatever arrangement

might be made, he disclaimed giving any vote or opinion, on the ground of any paltry and pitiful retrenchment; nor would he agree that, in the state in which the Sovereign at present lay, he should be stripped of that splendour which must point out the consideration in which he was still held, to foreign nations—while the tints of his Royal dignity, though for the moment dim, ought still to be impressive in the eyes of the country. He would shade the chambers of his sickness, not with the curtain of oblivion, but with the the veil of the sanctuary *(Hear! hear!)*; guarded by those whom, if he should recover, he would be glad to find at his door—and that these should be irremovable, would be an object of care with him when they came to the details of the Bill. He should do his duty in taking care that the Sovereign should have those about him whom he had chosen—whom they knew by experience he would be glad to have around him, so that the Sovereign, when he awoke from his trance, might not be told, when he pronounced some well-known name, "that he was not there." But he wished to consider, whether it was better to form an establishment for the Sovereign, subject in its extent to accident and uncertainty, or at once to appoint a permanent household, liable to none of these objections. It had been well observed, that they did not legislate on suspicion; but if suspicion of the Prince of Wales was disclaimed on the one side, by those who supported the restrictions, he hoped that those who might refuse to concur in giving the whole power of the household to the Queen, would be free from the charge of entertaining any suspicion as to the mode in which her Majesty would administer that trust.

The right honourable gentleman did not wish to attach suspicion either to the Queen or to the Regent. The difficulty which he chiefly felt, was that of entrusting political power where it had never formerly lodged, and to which indeed it was unknown. He saw but one mode of settling the matter, namely, that of selecting that portion of the offices, the holders of which were called on more immediately to give their attendance on his Majesty, and fixing them immutably by law. This object he saw no other way of obtaining but by voting for the amendment.

Perhaps he should still more completely discharge his mind, if he stated more at length the practical results which

he built on this view of the subject. First, then, his object was, that all those officers whose more peculiar duty it was to wait on his Majesty, such as the Lords of the Bedchamber, the Groom of the Stole, &c. should be put out of the power both of the Queen and of the Regent. The expence of this establishment he esteemed as nothing. He might state the whole at 16,000*l.* of which 4000*l.* would fall to come back into the hands of the State. What was such a sum compared with that degree of comfort, of tenderness, and of compassion, which must attach to it? He confessed he should have been inclined to have added to the officers he had named, that of Lord Steward, had it not been for what had fallen from an honourable and learned gentleman (Mr. Adam). He did not know how far the office of Lord Steward of the Household was in the situation stated by the honourable and learned gentleman, otherwise he should have thought that he might have been safely included among those he had already mentioned. There would then remain—the Lord Chamberlain, an office which was now vacant; the Master of the Horse, both offices purely of pomp and show; and the two Gold Sticks, also offices of pomp and show, and which were necessary to the office of Regent, as having the command of the Guards. These four officers were due to the splendour of the Throne, and as such ought, in his opinion, to accompany the Royal dignity, there being nothing connected with the exercise of any of these offices which could add to or diminish the comfort of his Majesty. He threw out these observations, that gentlemen might be aware that, so far from contemplating any thing like a reduction of the establishment of the King, he did so, not in the spirit of retrenchment, but with a view to deliberation. For these reasons he must vote for the amendment. He did not deny that if he were obliged to vote for the Resolution as it now stood, aye or no, he should entertain some doubt on the subject. But he could not consent to the enacting, by a vote of one night, a power which might by possibility be turned against the Executive. He was far from thinking that the Executive power was in a state in which it could admit of being diminished; but if it could afford to lose the power now sought to be transferred from it, then, indeed, it was in a state in which it ought to be diminished. If it was to be in a state of abeyance, then it ought to be in a state of abeyance entirely. What he proposed, was to put the offices in question in a state in which

they could neither do harm nor good. His object would be to make those gentlemen whose attendance about the person of his Majesty was necessary, from being independent, an independent body, by not being removable. The right of appointing such officers he could not consent should remain in a body co-ordinate with the Regent; and if the influence belonging to the appointment of officers so constituted, did not go with the Executive authority, he thought that it ought to be provided, at least, that it should not go against it. Whatever of dignity or respect could be conferred upon the Queen, let it be given to her; but let not the House confer on her parliamentary influence. Let them shew that they were not conferring on her Majesty an office of power, but were only delegating to her the discharge of a tender, yet painful duty, not one which might on some other occasion be abused. So should they consult the feelings of his Majesty, as well as the interests of the State, in withholding from her Majesty all legislative authority. By acting thus, they would save the Queen on the one hand, and the Regent on the other, from all idea of suspicion being entertained as to the conduct of either, and would deal out, to both, justice with caution.

There was another objection which he felt to this resolution, and which he had mentioned last night, but he did not know if any other gentleman felt in the same manner. His right honourable friend had said, that the period for which he proposed that the limitation should exist was short, and that till then it was better to leave things as they stood. For his own part, he (Mr. Canning) could not but feel that there was something not soothing, but revolting, in the idea of holding out to the House two stages of proceeding, one as the period of hope, the other as the period of despair. He, for one, would much rather look to the question once for all, rather than again return to it with the prospect of regarding his Majesty's disorder than as a more permanent affliction. He concluded by approving of the amendment, as providing for every thing that was intended.

Mr. Perceval said he should not detain the House at much length, agreeing, as he did, with his honourable friend, that the question lay within a narrow compass. He should not at all now trespass on the time of the House, were it not from a wish to correct a misconception in the arguments of his right honourable friend; and also because

he felt the most anxious on the present resolution, as he did anticipate, from the carrying of the amendment proposed, the most serious calamity to the country that ever occurred. He stated so because he felt the truth of what he said, and were he to omit saying so, he would be guilty of a most serious breach of duty, both to the King and to the people —to the latter of whom the speedy restoration of his Majesty's health was an object of such vital importance. Only one thing could at all deter him from expressing to the House his feelings on this subject, and that was a dread of doing any thing disorderly; an honourable gentleman having told him, that in alluding to the feelings of his Majesty on a former occasion, he had been as nearly out of order as he could be, without being altogether disorderly. While the House was considering the case of the King, was it possible to do so without alluding to what was known to have been the nature of his feelings? And was it to be esteemed disorderly to do so? The feelings of his Majesty, in the event of his recovery being protracted, on seeing that changes had taken place about his person, could by no means be so acute as if, after a speedy recovery, he should find every thing about him inverted. And was he disorderly in alluding to such a circumstance, and in arguing that such must naturally be his Majesty's feelings on the occasion?

His right honourable friend, who had just sat down, argued the question as if the resolution now proposed was fundamentally objectionable, although it was exactly similar to the measure adopted in 1788, which his right honourable friend conceived to be a master-piece of political wisdom. He could not conceive how the circumstance of peace or war could make a measure which was then a complete piece of wisdom, to be now fundamentally wrong. His right honourable friend, however, had not been present when he opened the introduction of this resolution, and stated, that if there were any persons who opposed the resolution, and could be reconciled to it by the right of removal from any of these offices being taken away from the Queen, he should be happy to reconcile them by adopting this alteration. If his right honourable friend had heard this declaration, he flattered himself he would have been of opinion, that to have moved an amendment to that effect, would have been better than to have supported the amendment now proposed, thereby radically pledging the House

to the diminution of the establishment about the King's person. If that pledge were once given, the only question would then be, what portion of it should remain?—(*Cries of Hear! hear! from the Opposition side of the House*). That a portion of the establishment was to be reduced, he surely did understand, from the words of the amendment. Such was its meaning, if it had any. The motion gave to the Queen the direction of such portion of the household as was necessary for the due and suitable attendance on the person of his Majesty, and for the maintenance of his state and dignity. Was he to understand after this that the House was to give to her the whole? (*Hear! hear!*) He submitted that his right honourable friend must be as much pledged, after agreeing to this amendment, to consent that the establishment be reduced, as he could be by agreeing to the resolution to give to her Majesty the uncontrouled management of the whole. He denied that his right honourable friend would be pledged to either; but, when the Bill came in, and the House chose to controul any part of the right bestowed on her Majesty, it would be quite competent to it to do so. He hoped, therefore, his right honourable friend would be convinced there was as much objection, according to the view he had taken of the matter, in adopting the amendment, as in agreeing to the resolution. The course followed in 1788, he submitted, was a proceeding exactly in point, in which the question of peace or war could make no difference. If gentlemen, however, would be satisfied by taking from the Queen the right of removing any of the establishment, he should not oppose an amendment to that effect. If her Majesty at the same time had not the whole controul, he conceived it would be awkward to impose on her the duty to see that all things were done well. His noble friend under the gallery had objected to any new arrangement, or to a double establishment. This, however, was only meant to be temporary. His right honourable friend, however, had said that he did not like to have two periods to look for, one of hope, the other of despair. That, however, was not a fair way of putting it. He (Mr. Perceval) had expressed a hope that the period would be but short when his Majesty would be enabled to resume his functions of Royalty, and with that expectation wished to limit a period within which no alteration in the establishment should take place; being aware that his Majesty's feelings would be different if his recovery

should be more remote from what they must be should he recover in a short period, and find that within that period, short as it was, Parliament had deranged his whole establishment. He entreated the House to consider what the effect would be, what it might be, one way; and what could be the national inconvenience in the other way. A month or six weeks might restore his Majesty to the wishes of his people, and would not every gentleman then regret that any derangement in his Majesty's establishment had taken place? He again repeated that, if desired by his right honourable friend or the House, the political power of removal might be taken away from her Majesty. There must be some inconvenience under any arrangement, and a certain share of influence and power must exist in any view. He did most solemnly protest against any derangement of his Majesty's household at the present moment—He dreaded such as likely to produce the greatest calamity.—He might have formed an erroneous opinion on the subject; he trusted in God, if the Amendment proposed was adopted, it might be found he had done so.

Mr. Canning explained.

Mr. Whitbread said he had not intended to make any observations on the question then under discussion; but he could not suffer the extraordinary speech of the right honourable gentleman, made in a House considerably fuller than that in which a few days he had uttered sentiments equally extraordinary, to pass by without declaring his astonishment and disapprobation. The right honourable gentleman, after having broken down the most important barriers of the Constitution, after usurping all the prerogatives of the Crown, had at length violated the rules which had been established for preserving the dignity and propriety of debate. On any other occasion the introduction of the Sovereign's name, in the manner used by the right honourable gentleman, would have imposed on the Chairman the necessity of calling to order the person making such allusions. Was the House to endure that it should be said, that if they should come to a constitutional vote on the subject before them, his Majesty's recovery would be retarded by that proceeding? Was the House to be induced to swerve from the conscientious discharge of its duties by the influence of such representations? If insinuations like these were to be made, and were to produce the effect which it was proposed, it was clear that many considerations must

arise in the public mind, respecting the future state of his Majesty's health, that might suggest doubts as to the period and completion of his recovery. Would the right honourable gentleman venture, at a time when the Royal mind was susceptible of those agitations which so much trouble had been taken to describe, when feelings so strong and sensible as the House had been told might possibly be awakened on the return of reason, to submit to the King's judgment any of those more momentous subjects which might press on the attention of Government? Or could he be expected under any circumstances to offer to his consideration those most interesting questions which he was already bound by an implied pledge not to bring forward? (*Hear, hear, hear!*) It was too much to say, when arguing on the probability of a speedy recovery, to assert that the House of Commons would by doing its duty re-produce the disorder.

Much had been said of the splendour of the Throne, and of the importance of looking to the office only without regard to the person filling it. No reduction of that splendour was, however, wished for, or recommended on any side of the House. The same establishment it was generally admitted ought to be continued; but it was of consequence whether this should belong to the Regent or to the Queen. This was a question that must be decided upon its own merits, with whatever frequency or vehemence it had been asserted that no lust of power, no object of private ambition, no desire of personal aggrandizement could possibly actuate the conduct of the right honourable gentlemen opposite to him, one of whom had lately favoured with his compassion the man weak enough to entertain such a suspicion.

He was, however, one of those who still thought that they did love power, and were influenced by those very motives which it had been said it was absurd to imagine could exist. One learned gentleman had attempted to point out the beneficial consequences of creating a fourth estate; quitting the ordinary ground of disputing any such effect as arising out of the resolution before the House, that honourable gentleman had placed the matter in a new light, but unfortunately not in one very pleasing to his right honourable friend, who, he (Mr. Whitbread) observed, had covered his face on hearing the ill-fated argument. Another honourable gentleman, the member for Yorkshire, (Mr. Wilberforce), who sometimes seemed to feel considerable diffi-

culty in determining which way he should vote, had gone to as great a length, and broadly stated, that the present was an opportunity for seeing with how little power the Executive authority of the Regent could be supported. This he had not only said, but on some expression of surprise had added, that it was an opinion which he was not disposed to retract. Notwithstanding the aid thus derived by the right honourable gentleman from a quarter which had on some occasions formerly contributed to leave him in a minority, notwithstanding that last appeal, in which so direct an attack was made on the feelings of the House, the Chancellor of the Exchequer had, however, so far conceded, as not to resist an alteration which might have the effect of procuring him a more extensive support.—(*Hear! hear!*)—Did the right honourable gentleman recollect well what he had already stated in his letter to the Princes, or what he had proposed should be stated in the Address to the Queen? He did think that in what had already passed, repeated and studied insults had been offered to the Prince of Wales; and if the House followed in the line recommended on the other side, offering to her Majesty that which might be afterwards taken away, she too might have just reason to complain of the impropriety of the proceeding. It had been said, that those who held appointments in the Household, and among them Lords of the Bedchamber, were perfectly independent; yet there had been instances in the which persons holding those situations had been punished for voting in Parliament contrary to the wishes of the Court. The late Duke of Queensberry had been removed, and another Lord deprived of his regiment, from no other cause. But he wished to ask of those who painted in such striking colours the pain and anguish that might wring the feelings of his Majesty on recovering the possession of his faculties, to find his Household deranged, and new persons surrounding him, whether the Resolution did not propose that the Queen should be empowered to make those changes, and whether there was greater danger in entrusting the exercise of this power to the Regent, than in entrusting it to her Majesty?——(*Hear, hear, hear!*) Economy had been mentioned, and a pitiful economy justly and fairly derided; he was no advocate for it, but disliked it as much as those who had displayed their invective against it. What, however, he did wish, was that, when large establishments were maintained, they should be useful and properly applied, and he thought it absurd to

create an additional expence, although small, when it was not only unnecessary but mischievous. The right honourable gentleman had begun with informing them, that they ought not to look at the individual who was to fill the office of Regent, but to consider themselves as engaged not merely in providing for the present emergency, but as establishing a rule that should be applicable to similar cases hereafter. Abandoning this, his own principle, forgetful of this, his own caution, he immediately, reflecting on the amiable temper of the Prince of Wales, on his great and estimable qualities, and on that native dignity and delicacy of mind, so conspicuous in his conduct on the present melancholy and trying occasion, turned round, and told them that the restrictions ought to be extensive; because, although every thing in the character of his Royal Highness tended to inspire confidence, those restrictions should be framed so as to apply to any future bad Prince of Wales, who might one day be entrusted with the Regency. Thus the Prince was to be punished for the imaginary vices of his successors, and what was yet worse, the Constitution was to be punished also. A new estate was to be created, and an authority established unknown to that Constitution. "Consider," said the right honourable the Chancellor of the Exchequer, "the many and numerous virtues of the Sovereign; would you curtail his rights, or bereave him of his splendour?" "Good God!" exclaimed Mr. Whitbread, "Splendour! what a word! In his Majesty's situation no external splendour can yield a charm or solace to his declining years. His future consolations must all be drawn from the inward enjoyments of a resigned and pious heart, and the happy consciousness, when restored to health by Providence, of dispensing blessings to his subjects! His prerogatives had been usurped by those men who thought no splendour, no state, no influence necessary to support the character and authority of a Regent." It was said, that his Majesty might probably recover in six weeks after passing the Regency bill; if there was ground for this expectation, he wished to know how the offices of the Household, if they should become vacant in the mean time, were to be filled. Was a successor to be engaged by the week, the day, or the job? *(a laugh.)* One appointment had been vacated since his Majesty's illness by the death of a nobleman most justly esteemed by his Majesty, and by all who knew him (Lord Dartmouth), and it was impossible to say, that other cases of a similar nature

might not happen. He would say, that it was better that the Queen should have all the Royal authority, than a part of it; it was by its nature indivisible, and could not be separated and distributed, without weakening the foundation on which it rested. (*Hear, hear!*) He would likewise give to the Prince all or nothing; he would not deal out to him a portion of authority and a degree of splendour, which existed whole and entire for the benefit of the people. (*Hear, hear!*) The right honourable gentleman had, in his last appeal to the House, dwelt strongly on the danger of a relapse, and had undertaken to inform them what it was that was most likely to produce such an effect. He (Mr. Whitbread) did not know, for his part, how far changes of the description alluded to might so operate, but did not believe the Royal solicitude could pervade every department, or for instance could possibly descend to the late appointment of a learned gentleman (Mr. Kenrick) to an office in his establishment. (*A laugh.*) The throne had been for some time surrounded by learned gentlemen; but among the crowd of them, not one had been found bold enough to attempt a reply to the arguments stated by an honourable and learned friend of his (Mr. Leach), last night, with such infinite force and perspicuity; and the inference of his mind was, either that those arguments were unanswerable, or that among those learned gentlemen there was not a real lawyer to be found. Mr. Whitbread concluded with stating, that he felt as much confidence in the result of that night's division, as there was evident apprehension on the other side of the House.

Mr. Stephen explained, that he had never admitted that the creation of a fourth estate would be beneficial; but that all he meant to say was, that the exercise of particular authority by the Queen would cause no interruption in the exercise of the Regent's powers.

Mr. Wilberforce and *Mr. Whitbread* severally explained.

Lord Castlereagh, in a short speech, declared that the vesting the Household in her Majesty was an unconstitutional proceeding. He considered it as a necessary part of that state with which the Regent, as first Magistrate, should be attended, not as a right to which he had a claim *per se*, but as belonging and appertaining to the exercise of the supreme authority. It was of importance that the arduous duties of the Executive should be accompanied with the means of exciting attachment in the minds of the people.

Mr. Bathurst rose and spoke in so low a tone of voice, that it was difficult to ascertain the tenour of his opinions. We understood him, however, to be averse to the proposition for addressing her Majesty to assume an authority which the Bill might afterwards alter or diminish. The Question was now loudly called for, and the House divided on lord Glower's amendment.

Ayes 226—Noes 213. Majority against Ministers 13.

Adjourned at twelve o'clock.

HOUSE OF LORDS.

WEDNESDAY, JANUARY 2.

The Earl of Dartmouth took the oaths and his seat.

Adjourned to next day.

HOUSE OF COMMONS.

WEDNESDAY, JANUARY 2.

STATE OF THE NATION—REGENCY.

Mr. Luslington appeared at the bar, with the Report of the Committee on the State of the Nation. On the question, that the Report should be received—

Mr. Morris, conceiving the present the proper moment for expressing his dissent to some of the resolutions conveyed in that Report, assured the House that it was his intention to avoid all repetition of the arguments heretofore introduced, and to confine himself to points either not adverted to at all, or but slightly introduced. After the various expositions of the precedents applicable to the question, which an honourable and learned friend (Mr. Leach) of his took on a former night, he would not be guilty of the unpardonable presumption of re-stating them. At the same time that he must insist, both from the practice and policy of our ancestors, that Parliament, in supplying the deficiency of the Royal authority, had uniformly proceeded without the imposition of restrictions. It had been stated by a noble lord, who argued in favour of restriction in the grant of peerages, that there was an instance to be found in

the rolls of Parliament, of a peer being created by the two Houses of Parliament, and therefore restriction on the Regent was presumed. He (Mr. M.) had directed his attention to that case, and the fact appeared to be, that though the creation took place in the presence of the three estates, the grant was conferred by the Regent, together with the council of Regency.—Indeed, it must be considered, that from the imperfect knowledge which the House had of the proceedings themselves, and from the tumultuary disposition of the leading characters, precedents from such remote periods could posses little influence in their application to the present times. There were, however, precedents in our history of more modern existence, to which no such objections could apply, and with the principle and object of which the House had the fullest information.—Such were the precedents founded on the Succession Act in the reign of Queen Anne, and in the Regency Act of George the Second. The latter was particularly applicable to the present case, inasmuch as the interval during which the Royal authority was to be supplied, might not have lasted not even a single week. Yet in that Act a power was given to the Regent to create peers. The same power was also given in the 5th of the present reign; and it was to be recollected that the precedents of those periods possessed this advantage over that of 1788, namely, that they were completed, and were the authentic acts of a full and concurrent Legislature. A distinction might possibly be made on the ground that such powers were not given to the Regent but conjointly with a council. Such distinction did not apply to the case before them. All the House had to conclude was, that there was no limitation of the Royal powers, whatever distinction might be made as to the mode in which they may be exercised. The distinction might be an argument in favour of a council; but when it was on all sides agreed that his royal highness the Prince of Wales should be sole Regent, the precedents were wholly conclusive against the imposition of any restriction.

In reviewing the powers and prerogatives of the Crown, he had ever considered them as so many links of one great chain, mutually and reciprocally supporting each other; not one link of which could be taken away, without risking the security of the remainder. With respect to the grant of peerages, he begged the House to consider for what

purpose the Constitution had entrusted the King with such part of the prerogative. And, in the first place, he would ask upon what ground it was the right honourable gentleman (the Chancellor of the Exchequer) entrusted to the Regent the power of dissolving Parliament? Was it not that he should have the means of appealing to the country at large, in case the measures of his administration were thwarted, and opposed by majorities of that House not speaking the public sentiment, but guided by their own factious objects? Assuredly it was. And was not the same principle applicable to the House of Lords? Had not the Regent a constitutional right to be invested with those powers with respect to it, by which he might be enabled to counteract any undue influence in that body to the system of his government? In the one case he had the power of dissolution; and upon a similar principle he ought to possess the capacity of creation to the peerage. He was ready to admit, that as the House of Lords was at present constituted, there was little ground for apprehension; but when he made that admission, he must deprecate personal character being allowed in any instance to afford him assurance upon questions of Legislation. A jealousy of that branch was inherent in the Constitution, and upon that principle it had provided, in the prerogative of creating peers, the salutary remedy. But then it was contended, that restriction was to be tolerated, because it was meant to be but temporary; that the interval of six weeks might restore the Monarch to his full capacity. The events of these times proved unfortunately what awful consequences even the fraction of a year, as it has been styled, had brought about. In six weeks they had seen powerful monarchies subverted, and important revolutions carried into effect. Looking at the first six weeks, in point of time, was but short; but when he cast his eyes to the map of Europe, he could not arrive at any such conclusion. Of the restrictions, generally, he would say that enough was done for insult towards the Royal personage destined to be Regent, but little for security —enough was done to excite suspicion and provoke distrust, but nothing to secure that trust, and defend those interests which that suspicion would fain insinuate, were in danger—*(Hear! hear!)* There was another point on which at present he would make but one observation—it was the appointment of a council to the Queen. If it was meant to

grant to this council a decision upon the state of his Majesty's health; and to take from Parliament the right of that examination, which was necessary before his Majesty's resumption of his authority—if this instrument of council was to be made a part of the complex machinery as introduced in 1788, from him it should receive the most decided opposition, at the same time that he should endeavour to attain its apparent object, by less objectionable means.

Mr. Peter Moore observed, that on so important a question, before he ventured to give an opinion, he had endeavoured to make himself acquainted with what information the precedents of our history had afforded.—He had listened with unremitting diligence to every argument that had been advanced, whether in favour or against the course proposed by the right honourable gentleman opposite. The result of that inquiry, and of his uniform attention, was, to convince him that every proceeding of the House was manifestly unconstitutional—that it had assumed powers which did not belong to it—while it neglected duties which were most imperative. It had ventured to dispose of the rights of the Prince of Wales, at the moment that it permitted a flagrant delay to occur, without the existence of a legitimate government. To protest against such proceedings he then rose, in conformity with his own mature judgment, and in compliance with the expressed injunctions of his constituents. And here he must avow, that when the second adjournment was proposed, he with reluctance differed from the member for Bedford (Mr. Whitbread), and voted for that adjournment—with reluctance he would say, because to differ on any subject from a man of his sound judgment and unsullied integrity was to him most painful. On that occasion he (Mr. M.) believed him to be wrong; but the report of the physicians soon convinced him that it was he himself that was in error, and was the dupe, equally with the House, of the imposition of Ministers—*(Hear! hear!)* In his public capacity, as the representative of a populous city, he charged the late servants of the Crown with having imposed upon the House—and in making that charge he also stated the opinion and conviction of his constituents. He would go further, and assert that information was withheld from the country, with which this country ought to be acquainted; and that in suffering that information to be withheld, the Select Committee appointed by that House to examine his Majesty's physicians had failed in their

duties. They should have followed up their examination to other periods when the Sovereign laboured under his unhappy malady; by which the House and the country would be enabled to form a judgment upon certain events that must at a future day become a question of parliamentary investigation. It was, however, now notorious, that the Sovereign had been at different times incapable to exercise his Royal functions, of which there was no communication to the Parliament.—That information, undenied and undeniable, accounted for every imposition that had been practised, and every advantage taken of the Sovereign since 1792. To the want of that political controul, which the monarch should ever have over his servants, may be ascribed the whole tissue of fraud which has marked the administration of public affairs in every branch of it, political and financial. Had that controul been exercised, or had not the infirmity of the Sovereign been made the shield of his advisers, would any man have dared, when a parliamentary commission was proceeding in Ireland, for the purpose of redressing the wrongs of persecuted and oppressed fellow-subjects—oppressed by the vilest and basest miscreants, filling the lowest offices (alluding, we presume, to the state prisoners),—to prevent the appeal of a tortured fellow-subject, under a pretext that the prerogative was invaded if any part of the administration of lord Hardwicke was arraigned? If that controul was in action, would pensions have been so lavishly granted in the years 1801 and 1804?—years when, it now appeared, his Majesty was afflicted with his severe malady. Would acquittances for public money be given, and on that point he spoke not without authority, for he had in his possession vouchers which proved that an acquittance had been given for the use of one million and forty-eight thousand pounds. If the House called upon him for the proofs, he would produce them. It was unnecessary for him to state his feelings of regret at the distressing situation of his Majesty. These feelings of sorrow he had in common with the whole country, that country which now gave the best refutation to all the slanders and calumnies which for the last eighteen years were heaped upon it, by those who affected to be the friends of the King—by those who endeavoured to prejudice the Royal ear against his people, and who had actually in that House indicted the whole nation for high treason. It was at that time the system of fraud was devised, whose

mode of operation was to be traced first in prejudicing the King against the people—the people against each other—and lastly, sowing dissention among the Princes of the Blood. Thank God, that evil was now remedied, and the country beheld with admiration those illustrious personages united by the closest ties of public principle and private friendship.

With respect to the restrictions, he could consider them in no other light than as the most marked insult that the House could offer to his Royal Highness. The House had not a right to delay a single hour without restoring a legitimate government. It should not only retrace the past, but provide for the future, for sure he was, that if the servants of the King could have by any means procured the sign manual to the Commission for the prorogation; could they have conjured up such a document, as the Witch of Endor did the spirit of Samuel, neither Parliament nor the country would have ever heard of the present indisposition of his Majesty.

Mr. Ponsonby observed, that it would be more regular to discuss the Resolutions when the Report was brought up. —The Report was then brought up, and the Resolutions read.

Lord Porchester rose. He had no idea of considering the matters before the House in the spirit of some members; he must not look upon them in the immediate effects which they were intended to produce, but as involving future times and things; as, in his mind, involving a great constitutional question. He was obliged to go over the same ground which had been trod by every honourable member who had spoken on the present subject, and preface his observations with the language of the most profound respect for the personages in question; but he must say, at the same time, that on a matter of high debate like the present, no personal consideration, no thought of private excellence, no feeling of public dignity, should be brought forward. It was the duty of men, deliberating on the great subjects which then occupied the House, to put away from their minds and their expressions, every thing that appeared like personal considerations. As to the three exalted personages who had been so often alluded to, there was, there could be but one opinion in the country. As to the King, there was no man in the country, no matter of what feeling, or rank, or party, that did not put up a prayer for his recovery. The

Prince of Wales sympathised with the subjects of his father; and if he thought that any restrictions imposed upon himself would augment the power, or increase the satisfaction of that Royal Father, the filial duty of the Prince would assent to them. The Prince would say, 'Yes: but the duty of Parliament to its constituents would say, No. Numerous cases of restrictions on the Regent had been brought forward; but they were all different, in one essential point, from the present one. There was not among them all an instance, when the Regency was to be conferred upon an heir-apparent of full age. The nature of those usual restrictions was done away, by the nature of the present case. They were uniformly directed to prevent the Regent from injuring the succession, from rending the Royal privileges from the Royal person, and from finally delivering it up a mutilated, feeble, ineffectual power. None of those applied to the case of an heir-apparent; for an infant could not be called an heir-apparent. But none of them applied in any form to an heir-apparent of full age. Was there to be more danger in giving those privileges to the Prince now, than when he was to come to the throne? The Prince was to be restricted from conferring the peerage. The House was pompously told, by gentlemen on the opposite side, that the peerage was the stay and support of the throne, the solid prop of the throne: and was it to be conceived, that the Prince, who was to sit upon that throne, would deliberately break down the honour and credit of that which was to be his great future support? Yet the restriction was framed to prevent the Prince's breaking down the peerage, by conferring it on low and unworthy persons. But the right hon. gentleman (the Chancellor of the Exchequer) was forced to depart from his principle, by making an exception at the moment of his promulging it. He was forced to allow the gift of the peerage to distinguished naval or military officers. By this exception, the principle was fairly trenched upon; but to justify the departure, the feelings of the House were to be wrought on by a pathetic description of a hero dying in the arms of victory, but dying with the consciousness that the reward of his valour could not be granted to him. This was an extreme case; it could not justify a deviation from the principle, if the principle itself were tenable. It was altogether an extreme case; it assumed, that the gallant officer who deserved so high an honour, would survive to hear that the tidings of his ex-

ploit had been carried home; that they had received the applause of his countrymen; that they had received the thanks of Parliament; and then have his dying hours saddened by the feeling that he was deprived of his reward, and that he must die without that which crowned his fame. But here a latitude was given to the Regent, to degrade the honour of the peerage, by elevating low characters into it, on the pretence of merit, and at once burthen the country and dishonour the peerage. The restrictions with respect to patent places, reversions, and sinecures, afforded equal grounds for objection. Why was not their disposal to be left to the Prince Regent, as much as to the King? When the King awoke from his sleep of reason, and asked, how the vessel of the state had been steered through the storms and shoals of those perilous times—when he asked, if no accidental advantages had come in the way—if no little prizes had been found in the course—and it should be answered, that some had been met with, and given to men who deserved the confidence, and supported the measures of the government administered by his Son; was it to be supposed, that this disposal could offend the Monarch; or rather, that it would not meet his warmest approbation? The Prince Regent could remove ministers who declared themselves the friends, the defenders, the guardians of the throne. The Prince Regent was empowered at once to sweep away the right hon. gentleman (the Chancellor of the Exchequer), with his whole train of right hon. *mutes*; but if it came in his way to make a new Clerk of the Irons, or a new Surveyor of the Meltings, the State was undone, authority outraged, and the King's prerogative invaded. Sinecures deserved to occupy the attention of the House, at another time. It had been lately intended to bring in a bill to abolish them altogether; and in his (Lord P's) opinion, the Regent government should be eminently cautious in the distribution of such things, till it was finally ascertained, whether they were to stand or fall. But suppose the question fairly brought before the House, the two Houses had a right to discuss the abolition of sinecures; was it to be said that the Prince Regent could not give his assent to such a bill? Or was it to be supposed, that the King, when he awoke from his trance of reason, would object to what was done by the Lords Commons, and Regent? It could not be doubted that such a bill might be passed. What then would be the dilemma? The prerogative—such as it was, might be cut away—

sinecures might be abolished by the Regent's government; but if the Regent attempted to use the prerogative—if the Regent dared to give away a sinecure—then the whole opposition of the right honourable gentleman was to be roused, and the King's authority was fatally infringed. This was saying, you may pluck every feather of the prerogative, and give back nothing to its owner but the naked pinion, and no harm has been done; but if you restore it, in all its native and original plumage—if you restore it in its first splendours, and only pick up a few feathers that have moulted by the course of nature, you destroy its use and its beauty together. One branch of the prerogative was suspended for three years; it might have been well that it were abolished altogether. But there was a serious difference between suspension and abolition. Evil in government, as well as in other things, was made less dangerous by its being diffused over a wider space of time. If the disposal of sinecures and reversions were to be suspended for a year, there would be, at the end of that time, an accumulation of them, that might produce consequences of the most serious nature to the Constitution. But if to secure the power necessary for carrying on the government, was the uniform argument for this species of places, was not the prince in want of support, or did not his government require power as much as that of any other government of the country? As to the appointment of the Household, little need be said. The point had been fully discussed. The consideration was merely whether the Regent should not have the appointment of that part of the household which had no personal intercourse with the King, and who were merely public officers. It was not to be allowed that the Prince and the Queen should each have such a power. Was the House to sanction the appointment of a double set of officers, at a time when the people were calling out for retrenchment from every quarter? What minister would be so hardy as to add to the public burthens for the support of this cumbrous pomp? The House were told, that the salaries only amounted to fifteen or sixteen thousand pounds. But was the salary the only expence? What, for instance, was a Master of the Horse without horses? All those provisions were declared to have for their object, the restoration of the King's authority entire. History had spoken of kings deposed, of kings imprisoned, of kings finally stripped of power and life; and it was of course right to provide against the re-

currence of such calamities. But when did history ever speak of a king, in a wise and powerful nation, stripped of his royalty by such instruments as those which the caution of Ministers withheld from the Prince Regent's hand? When did history ever tell of a king overturned by the appointment of two or three Lords of the Bedchamber, two or three officers of no public importance, and two or three peers, who never saw the king's person? If the supporters of those measures were to come to the people, and tell them, "We have protected the King in his hour of incapacity, we have drawn a broad and deep line between him and those who would encroach on his power"—the people would applaud those pretensions. But if they told the people of what materials those mighty retrenchments were made; if they acknowledged, that they were compounded of the appointment of a few Bed-chamber Lords, their constituents would laugh in their faces, tell them they were fools, and that they should never go to Parliament again for them. Would ministers not learn the mischiefs of those prolonged discussions on trifling points? Was there no mischief in being without an Executive? In one month, on the second of February, we were to decide, whether we were to have peace or war with almost the only State of the world that was not yet in declared hostility against us. On the second of February, the tremendous question of peace or war with America was to be fixed. All men of all parties agreed that the Prince ought to be the Regent, and that an efficient Executive should be formed immediately. Yet at the rate of proceeding which ministers adopted in their debates on the most trifling points, the Regent could not be appointed before the first of February; and the discussion of the second was to come upon him with the preparation of a single day. There was another circumstance, (it would be only given as an hypothesis), he (Lord P.) sincerely hoped it could be nothing more; the rumour was, that the Bank Directors had declared that it was not in their power to supply the army in Portugal with bullion. Was there no evil in a state of things like this? The plighted faith of the nation was in danger; great concerns were hourly pressing on the public mind; America was to be defied or reconciled; Portugal was to be defended, or the army withdrawn immediately? and in the midst of all this, ministers were leaving the country without an Executive. Was there to be no consideration for the solemn responsibility which lay upon

upon the Regent? Was it to be forgotten, that he was to render up an account of his government to his Royal Father, when the period arrived for which every man in the country so anxiously supplicated? The House would feel this, if the Ministers would not. They were at that moment consulting, not merely for their own privileges, but for the honour of the Crown, for the peace of the country, and for the principles of the Constitution. Lord Porchester concluded by moving, as an amendment to the first resolution, appointing the Prince of Wales Regent, with all the privileges of the Throne, subject to such limitations as should hereafter be provided; that the words "subject," and from that to the end, should be omitted.

Sir T. Turton rose to second the amendment. He disapproved of the system of restrictions—the name of Mr. Pitt had, he believed, given it a sanction, of which it was in every respect unworthy; but that was not the first instance of great authorities being made use of to give a sanction to absurdities. In his view of the proceedings of 1788 he thought that in consequence of an inadvertent assertion having fallen from an enlightened statesman of that day, which was tortured into a meaning not intended by him, and denied by his party, a pretence was created for carrying the opposite principle to an unjustifiable extent, and which, whatever was the motive, certainly had a tendency to insult the Prince. The right honourable gentleman might smile; but he saw no good reason for restricting the powers of the Prince, but a suspicion that he would not use those powers wisely, and a presumption of this kind he thought unfair and insulting. The apprehensions of the King meeting with any obstructions in the resumption of his powers were scarcely deserving of serious refutation; could it be believed that the heir-apparent would not be eager to catch the first faint dawnings of returning reason? He concurred in the truth of the fine illustration made use of by an honourable gentleman opposite, that the King, like the sun, need only shew himself to be acknowledged—his recovery could not possibly be withheld a moment from his people—the precedent of the proceedings during the King's illness in 1788 had been attempted to be confirmed by the speech which the same Ministers had put into the King's mouth in approbation of their own conduct, but he did not understand how two bad precedents could make one good precedent. The precedents referred to in the case of the Regency during the

reign of Charles the VIth of France, did not apply, as in that case the Regent was not the next in succession. In imposing so arduous a duty on the Prince, he thought the House was bound not to deprive him of the means necessary to discharge that duty, however disposed the Ministers, those modern *Sangrados*, might be to weaken and unfit him for the office. Much as they had heard of the precedent in 1788, it was not to be forgotten that the Bill for restricting the Regent did not pass till the 12th of February, and that at that late date the confident and sanguine expectation of his Majesty's speedy and complete recovery, he being then in a course of progressive amendment, must be supposed to have had considerable influence upon those who voted for the restrictions. But the honourable gentlemen still obstinately clung to their precedent. They threw it down before them as a sort of challenge of defiance to all opposition or objection, and this, too, on the mere strength of Mr. Pitt's name and authority. A certain puerile verse recited in some boy's game might, with a slight alteration, be applied to such reasoning—

> "Here stands our *Precedent*. Who put it there?
> A *better man* than you, so touch it if you dare."

(General laughter.) With respect to the nomination of a few Lords of the Bedchamber, he could not think it too serious a power to entrust with the Regent. The saving of the 15,000*l.* he confessed did not seem to him of such importance, because he thought that the great cause of public economy could only be advanced by great and well-judged reductions in the public expenditure—a moiety of the treasure wasted in the mad and disastrous expedition to Walcheren, would weigh more in the scale of economical reform than many of such pitiable savings as were by some persons calculated upon. He concluded by seconding the amendment.

Lord Francis Osborne, in a tone of voice scarcely audible in the gallery, expressed himself hostile to the resolutions, as well as to the general mode of reasoning by which they had hitherto been attempted to be supported. If he understood them rightly, they appeared to him to be in direct defiance of the principles of the Constitution. The second resolution went to pledge that House to supply the deficiency in the Executive, and they were at the same time called on to weaken and abridge those powers which were essentially

necessary, complete and unimpaired, to the supply of that deficiency. This was asking them to do two things which defeated each other; for he could not understand how the deficiency acknowledged to exist could be remedied by means not sufficiently ample to supply it.—(*Hear! hear!*)—The duty of that House was simple and direct—it was to supply the deficiency existing in the Executive, and fully to supply it. The partial or restricted supply of it was a sort of innovation which might at a future period be converted into a precedent of a very different kind. If the House might now alter the mode of filling up the defect in the Executive, by limiting the powers of a Regent, what was to prevent a future House of Commons from proceeding upon an alteration of a different kind, and *enlarging* the powers of the Regent? (*Hear! hear!*) Admitting the right of altering at all, the mode of alteration followed irresistibly; and, however various or opposite that mode at different periods, still the question of changing the Executive, which ought to be unchangeable, must become a fair topic of justifiable discussion—such appeared to him to be the dangerous consequences likely to result from such a course of proceeding, because, if once they began to alter at all, they could not put a stop to the mode of alteration—(*Hear! hear!*)—There was no part of the prerogative more important than the right of creating peers. He looked to the House of Peers as to a great and distinct branch of the Legislature. The right of adding to the number of his hereditary counsellors was vested in the King, he believed, for the best and wisest of purposes. He should not consent to impose upon the Heir-Apparent the weight of the Royal functions, deprived of all that can give him strength to wear and exercise them with dignity. The Minister had affected to do much when he consented to leave to the Regent the right of making peace or war; but with respect to war, there was not in Europe a power left to declare war against us, they were at war with us already; and as to making peace, that House had frequently and decisively declared peace to be, for some time at least, impracticable (*Hear! hear!*).

The speech of his Majesty by Commission on his recovery has been much relied on as conclusive confirmation of the propriety of the proceedings in 1788. That speech was to be considered either as the speech of the King in his individual capacity, and to look at it in such a point of view

would be, he conceived, a gross abuse of all parliamentary usage, and a violation of their duty to the public (*Hear! hear!*); or it was to be considered as all other King's speeches had been, as the mere speech of his Ministers. In this just point of view they might come at its true character, and find in it, after all, nothing but a clumsy and fulsome attempt of the King's servants to pass a panegyric on themselves—(*Hear! hear!*) With regard to the King, individually considered, he thought it the duty of that House to consult his private comfort and personal feelings, and to treat him with that duty, devotion, and respect, which were even less due to his station than to his worth—that worth he admitted in its fullest extent—no man who knew what it was to be a father, no man who knew how to value the most tender and amiable relations of society, could possibly be insensible of that worth. Indeed, he had always thought that the private virtues and moderate conduct of his Majesty had been of more real service to the country than all the public measures of his reign. (*Hear! hear!*). Great, and, as he thought, unwarrantable use had been made of a sentiment so general, to take the House by its feelings, and by them lead it aside from the true question before them.

Mr. Yorke congratulated the county of Cambridge on having a representative of so much ability as the noble lord who spoke last, for whom he had never ceased to have the highest respect and good-will, even at the moment when they were more particularly opposed to each other; a representative descended of a family eminent both for its loyalty and private virtues (*Hear! hear!*). Though the subject now before them had been nearly exhausted, he thought there was still room for animadversion upon the speech, both of the noble lord opposite, and the honourable and learned gentleman who had preceded him. For the purpose of making some observations on what they had said, he would take the liberty of stating his view of the question for their consideration. He did so, because the arguments which might be applicable to a different state of facts, might not be applicable to the present case; and though some of the resolutions had not yet been brought up, it would, he apprehended, be more convenient now to consider them altogether.

The state of facts then was this—his Majesty had by the unanimous vote of both Houses been declared incapable

of the personal exercise of the Royal functions; but upon the same evidence on which this vote was founded, it appeared that the indisposition of his Majesty was not likely to last for any long period. Of the indisposition of this nature, by which his Majesty had been before afflicted, the first had lasted four months, and the others for a shorter period; and the physicians referred to this as a ground for their expectation that the present malady would be of no long duration. They were then called upon to supply the defect of the Royal authority, but only for a very short period. How many arguments might be good when applied to a long incapacity, which were not applicable to the present state of facts! The two Houses of Parliament had decided, that it was their right and duty to supply the deficiency, and also to point out the mode in which it should be done; that it should be done not by Address, but by Bill, which was the constitutional form. The two Houses having decided that the proceeding should be by Bill, the conclusion was that they did not think it right to take the whole power of the Crown from the Monarch, but that they should only take so much of it as would be necessary for a short period. The Houses, by the same Act, had also virtually decided that the Ministers who had been in office before the incapacity took place, and who could not properly remove themselves, should continue to perform the duties of office till, by some measure or other, successors were appointed: they had virtually thus decided, he said, by not calling for the great seal and the other seals and symbols of office, for the purpose of taking the power and the duties into their own hands. This, too had been a consequence flowing from the proceedings of 1788 under circumstances similar to the present. The Houses having decided that the defect should be supplied in this manner, they resolved that the Prince of Wales should be Regent, with such powers as the two Houses chose to vest in him.

Proceeding to notice the arguments of those who had spoken on the other side, Mr. Yorke adverted to the objection in point of delay urged by the noble lord opposite (Porchester), with respect to our relations with foreign Powers, and observed, that this might be a proper argument when urged in time, but that it now came too late; because he was authorised to say, that the two Houses had decided that the proceeding should be by Bill, and not by Address, and that the Executive power should in the mean time remain

in the hands of the present Ministers, as the seals and the other symbols of office had not been sent for to be entrusted to Committees of both Houses. He did not say that this should have been done, but only argued that as it had not been done, the Ministers were forced to act on their responsibility. The ministers of Queen Anne had in the same way taken upon themselves on their responsibility to act for the public till the arrival of George the First. In considering the general subject, he must observe, that the personal character of the Prince of Wales, or any one else, ought to be laid entirely out of view, because they were in all probability establishing a precedent for the conduct of future Parliaments. The argument for personal confidence might be well founded in the present instance, and yet utterly inapplicable to a future case; and he would now give that sincere opinion to the House, which he would have done to the Prince of Wales himself if called upon for his advice. Considering the question then as applying to the appointment of a Regent for a short period, he had no conception that the Regent ought to be invested with the full powers of the Crown, notwithstanding the able argument of the honourable and learned gentleman opposite (Leach). Great stress had been laid upon the precedent of Philip and Mary, by which the King was invested with the full powers of the Government during the infancy of the Heir to the Crown which might be the issue of that marriage. But then it should be remembered that Philip was actually King, as well as King William in the time of William and Mary: (*Hear! hear!*) he maintained that there was little difference between the two instances, and the authority indeed was vested in Queen Mary during her life (*Hear! hear!*): but then her husband Philip had the title of King, and it was natural therefore that during the minority of the infant, he should act as King; and it appeared that by applying the whole law of treason to his person, the Parliament had considered him as King. (*Hear! hear!*) The Government of Philip might besides have lasted for a very long time, and in such a case there might be many arguments to alter his opinion with regard to the degree of restriction, or possibly might occasion a doubt in his mind, whether there should be any restrictions at all. In the Council of Regency, in the time of Queen Anne, there was a limitation as to the power of giving assent to certain specific Acts, which was sufficient to shew that some restrictions ought to

be imposed. At the death of Anne, no peers had been made till the arrival of George the First, because it was thought that no power to create them had been given, and why should a temporary restriction in this respect be now objected to? He remembered what had passed in the discussion of 1788, having been in the House, though not regularly; and he defied any one to shew him an instance where some limitation had not been imposed on the Regent, either by the King or by Parliament. The noble lord opposite (Porchester) had made a distinction between an Heir-Apparent of full age and a presumptive heir, or an infant; and he (Mr. Yorke) allowed, that there might be a difference of expediency as to the restrictions to be imposed; but there was no instance of a guardian to an Heir Apparent, down to the reign of George the First, without restrictions—and why should they now do more than the King himself, if he were to leave the kingdom for a short time, would choose to do?

The power of the House, as had been justly observed, was limited by the necessity of the case, and they therefore had not the right to separate from the monarchy any more of the Regal authority than was absolutely necessary to carry on the government for a short time. Was it then necessary, within a short period of time, to create peers? It had been said by the gentlemen on the other side, that whatever powers of the Crown were not necessary to the conducting of the government ought to be abolished. In that he did not agree: he considered the constitutional powers of the Crown as a venerable gothic structure; and when he looked at its flowers and ornaments, the only question with him was, whether they were hurtful; but he did not think that the columns, the mouldings, and the ornaments ought to be taken away because every gazer below might not be aware of their utility. He, therefore, denied the principle, that it would be proper to deprive the Crown of whatever powers were not absolutely necessary to the execution of the duties of the office. It was clearly not essential that the power of creating peers should be in continual exercise, and why, therefore, should it be given to the Regent?—Why should the King be deprived of more authority than might be wanted to conduct the government during his temporary incapacity?—for he had the evidence of the physicians to warrant him in affirming, that in all probability his indisposition would not be of long duration. As the Regency then could not be supposed to last long, and as no material injury would result from a short suspen-

sion of the power of creating peers, why should the Regent be entrusted with that power? He maintained, that on the constitutional principle, as well as from other considerations, the restrictions were proper and necessary, and in conformity with the best view of all the precedents.

He then came to the Resolution respecting the Household, upon which he wished to say a word or two before he sat down; and he contended that it was better, with regard to this point also, to act upon the precedent of 1788. He still referred to the fact, that the King's indisposition would probably be of short continuance; and that a Regent would not be wanted for any long time. If it were to be of long duration, then perhaps he might be of opinion, that not only the power, but much of the splendour of royalty should be attached to the Regent. But why should the Prince Regent, holding the situation for a short time, have the Household, any more than George the Second, then Prince of Wales, administering the government for six months, in the absence of George the First, on the Continent?—The difference between the two cases was, that in that instance there was a temporary personal absence, and here a temporary mental absence. Rather than separate the Household in the manner proposed, he declared, he would prefer having no Resolution at all on the subject; because if there should be no Resolution, he could not conceive that the Regent *pro tempore* would think himself authorised to interfere with the King's Household. If the House should agree to this plan of separation, he was convinced they would find much more difficulty in the details than they were at all aware of. Though he was not much conversant with the Household, he knew sufficient to convince him, that they would have a most difficult task to perform; and that they would not be able to perform it at last. It was infinitely better, in his opinion, to leave the whole with the Queen for a short period. He did not see why the Regent should have more authority over the Household than George the Second had in the absence of George the First, considering the short period that the Regency was likely to continue; and at a future period that power might be increased, if that should happen which he abhorred to think of. But he did not see why the attendance of the Officers of the Household on the Regent should be necessary during the short period that he was to administer the government. He admitted there was weight in the arguments on the other

side; but they could take no course that was not attended with inconvenience—they had but a choice of difficulties, and the only question was, which course was the best. He was decidedly of opinion, that for the short period proposed it would be in every point of view more advantageous to confide the whole of the Household to the Queen, together with the custody of his Majesty's person.

Mr. Charles Wynne thought it highly creditable to the judgment of the right honourable gentleman who spoke last, that he had not followed the example of his colleagues; but had refrained from arguing upon this subject, by an appeal to the feelings of the House. It was deeply to be regretted that the question of feeling had at all been brought forward at a time and on an occasion so much calculated to give their feelings more than their due weight. They ought rather to make a covenant with themselves, that their feelings should not be permitted to overpower their reason. They had indeed duties to perform to the Monarch, but they ought not to lose sight of those of a higher nature—their duties to the Monarchy, and the Constitution, which required that the powers of the Crown should not be separated from the Executive government. In the admirable speech of his honourable and learned friend (Mr. Leach) it had been proved that the prerogatives of the Crown had never been in abeyance, but had always been lodged in the hands of a greater or smaller number. Adverting to the reasoning of the noble lord under the gallery (Castlereagh), with respect to the creation of only one peer in the minority of Henry the Sixth, and that by act of parliament, he observed that this was a mode of creating peers, resorted to on particular occasions, even when the King was of age, and in full possession of his authority; and twenty years afterwards they would find the same Sir John Cornwall advanced to another peerage, under the title of Baron Milbourne, after the minority of the King had expired, and that too by act of parliament. He desired the noble lord to ask the Duke of Somerset, the Earl of Hereford, and others, by what titles they sat in the House of Lords, and he would find that they had been conferred during minorities. With respect to the appointment of Philip to exercise the office of Regent, with full authority of the Crown during the minority of the heir expected by his marriage with Queen Mary, he observed, that his power was not to commence till the death of the Queen, then supposed to be with child, and not very far

advanced in life. The case was in reality like the present, his Regency might be very long, and it might possibly be very short. It had been said, that Regents had been prevented from assenting to certain specific acts; but this was no reason why they should be deprived of the general powers of the Crown. The argument of the right hon. gentleman (Mr. Yorke) with regard to a Guardian of the Realm, as in the case of George the Second, in the absence of George the First, was somewhat curious. He asked why restrictions should not now be imposed, as well as in that instance? The right honourable gentleman forgot one trifling circumstance, which was, that in that case the King himself was perfectly capable of exercising the functions of government; that the delay in creating a peerage could have been no more than the time which must elapse in sending an express to Hanover. In that instance the King in reality was only at a trifling distance, from which he might easily in a very short time communicate his instructions. The right honourable gentleman might as well have argued from the circumstance of the Lord Lieutenant of Ireland not having the power to create peers, without instructions from London. George the Second was, like the Lord Lieutenant, guided by the instructions of his Majesty, a situation totally different from that in which they at present stood. If any change was to be made in the Household, or any important act of government to be performed, the Guardian sent a message to Hanover, and was guided by the instructions of the King. With respect to the argument, that the power of creating peers might well be dispensed with by the Regent for a short time, because no peers except naval and military officers had been created during the last four years—this argument would go to deprive the Regent of the power of making peace; for no peace had been made during the last four years. But, beside the naval and military officers created peers, lord Manners had been created a peer for the purpose of sending him to Ireland as Chancellor—and one who was a Scotch peer had been created an English baron. Supposing, therefore, that the Regent might not find it convenient to choose for Chancellor, Lord Eldon, Lord Erskine, or Lord Redesdale, and wished to appoint the right honourable gentleman opposite (Mr. Perceval), would it not be extremely hard not to have it in his power to create the Chancellor a peer; but that the chief law authority must sit mute, without the liberty to defend his own measures—espe-

cially as the next would not, perhaps, be almost entirely a Cabinet of Barristers?

The system of limitation, if once acted on, might be carried to the most dangerous length. Next session of Parliament, and after the expiry of the year to which gentlemen sought at present to extend it, they might again come to the House, and tell them that hitherto no inconvenience had arisen from the limitation of the right of granting places, pensions and peerages, and, therefore, that the restriction ought to be still father continued. The Regent might say he wished to appoint another person Lord Chancellor; but still gentlemen might answer, we see no inconvenience that can result from the continuance of the present Lord Chancellor in office. In the reign of George I. the House of Lords were pleased to request of that Monarch to abstain from making any more peers; that House, however, which had at all times stood forward in defence of the Constitution, interposed and saved the other branch of the Legislature from such an act of political suicide. It was impossible to say, if once tolerated, to what a dangerous extreme such a system might be carried. Till the present moment the Executive had always been considered the judge on whom the grant of the peerage should be conferred, and to what extent that prerogative ought to be exercised. It had never once been thought that it ought to be confined to naval and military characters alone; nor had he been aware till now, that there had not existed men in the Civil Departments of the State who had as justly merited the honours of the peerage as any naval or military commander whatever. The services of Lords Burleigh, Somers, or Clarendon, he had always understood, reflected as much honour on the present possessors of the honours of those noble families, as those even of the Duke of Marlborough did on the representative of that great general. And, in more modern times, the honours conferred on Lords Hardwicke, Chatham, &c. were, to his mind, equally well merited as the honours conferred on any of our most celebrated officers either in the Army or the Navy. Were we then now, for the first time, to be driven to make this invidious distinction? The next time gentlemen came to the House calling on them for limitations, they might go the length of asking, that the right of granting peerages should be conferred only on an address from both Houses of Parliament, and from the Regent such a limitation might in time be extended to the King. It was a painful subject to dwell

on what were the hopes and fears as to his Majesty's recovery. But even if it could be calculated that his Majesty's indisposition might not exceed the term of six weeks, still he could not think it safe that the Royal prerogative should, to any extent, remain suspended for that period; or that the country should be accustomed to see it in any other than a full and entire state of activity. He could not conceive that it could be any thing else than gratifying to his Majesty, on his recovery, to see that his prerogative had been preserved entire, and had been exercised by his Son in the name of the Father. His Majesty, he had no doubt, would be satisfied that the House, in delegating the trust to his Son, had conscientiously discharged their duty. In delivering his opinion on this subject, it made no difference to his mind, whether the king on the throne was Charles II. or William III.—whether he was a pattern of profligacy or of virtue. The prerogative was intended to be used for the public good, and to belong to those on whom the trust devolved. On these grounds he was of opinion, that the whole Regal authority, full and undivided, must go to the Regent.

Mr. Secretary Ryder said, however little he could expect that any thing he might say should have any weight with the House, he certainly did expect that it should have some little effect with the right hon. gentleman who spoke last, because the principles which he (Mr. Ryder) must now support, were the broad and constitutional principles of a noble relation of that right honourable gentleman's (Lord Grenville), and were drawn from a speech of that noble lord's, made by him in that House in the year 1788, to the principles laid down in which speech that noble lord still adhered, after having had twenty-two years to weigh and digest them. As to the speech of an hon. and learned friend of his (Mr. Leach), to which so many allusions had been made in the course of the debate, and which from the depth of research for which it was distinguished, and the great variety of precedents detailed in it, was entitled to the highest respect; giving to the speech of that honourable and learned gentleman every degree of credit which was due to it, he could only say, if it had not received an answer from that side of the House, it was not because the speech of the honourable and learned gentleman was, as it had been said, unanswerable, but because the principles laid down, and arguments made use of in the speech of the noble lord, had al-

ready answered them. The honourable and learned gentleman (Mr. Leach) began by saying, that he defied any gentleman in that House to point out an instance where they had delegated the Royal Authority in any respect, and had imposed any limits on the exercise of it. But how did the honourable and learned gentleman make out this proposition? by shewing that when they delegated the Royal Authority to a Regent, they appointed also a council, to whom jointly with the Regent, the unlimited exercise of the prerogative was committed; and from thence the honourable and learned gentleman argued that the power of the Crown had not been abridged. He would be glad, however, to know where was the difference between giving the whole power to a Regent, and to a council, without whose authority he could not use that power, and giving him only part of the power, which he was at liberty to use at his own pleasure, subject to no controul whatever? Was that not equally a breach of the Constitution, if it was unconstitutional to abridge the exercise of the Royal Prerogative? Could it be less a breach of the Constitution, to bestow the whole Royal Prerogative with the reservation of a consent without which it could not be exercised in any respect whatever, than to limit the exercise of it only in part? Did not all the Parliaments in all the instances referred to by the honourable and learned gentleman, in the appointment of Regents with councils, without whose consent they could not act, maintain this, which was all that was now maintained by those who proposed the present limitations? Even in the best of times, when the Act of Succession was passed, the government was confided to a Regent and permanent council; not only so, but there were even particular acts which both Regent and Council united could not do.

The right honourable Secretary proceeded to observe, that they were called on to beware of imposing any limitations on the Executive power, lest they should give a handle to the discontented to insinuate that if they might be dispensed with now for a time, they might be dispensed with wholly and for ever. He was more afraid, however, if they should now depart from the line of proceeding adopted in the year 1788, that they might seem to abandon their duty to the best of Kings, and to be courting the rising sun. If they did so, how should they answer to their constituents? They were now performing a duty which it was not calculated on, at the period of their being returned to Parliament, they

would have to discharge. The mode of proceeding in the year of 1788, had at the time, and ever since, received the approbation of persons of every description in the country; and he might assert, without the fear of contradiction, that of all the acts of that great man, to whom reference had been so often made (Mr. Pitt), there was none which had rendered him so dear to the hearts of the country at large, as the stand he made in the year 1788 in behalf of the rights of a beloved Sovereign. He asked, was there any reason to suppose that the public had changed their opinion on the subject of the measures then adopted, or that they were not as zealous now in their affection to his Majesty as they then were? If the House knew then the anxious solicitude which pervaded the public mind to have their beloved Monarch once more restored to them, was that House not to take care that they did not omit any measure which could possibly promote or accelerate this happy event?

Mr. Grattan did not think that the right honourable Secretary, in arguing the effect of the precedents as to the appointment of Regents with permanent councils, had placed the matter on fair grounds. It was not what were the powers bestowed in different cases of regency, which was so much to be considered, and on which the argument of the learned gentleman (Mr. Leach) rested, as that the prerogative had never on any occasion been put in a state of suspense. What the Regent had not, was still in existence, and the people had the benefit of it. It was unsatisfactory to say, that the House was not here to give the unlimited Executive Power to the person of the Regent, because on all occasions this power had not been given to the Regent himself, but to the Regent and his Council. The point to be considered was, ought not the Executive Power to exist in the person of a sole Regent, when a sole Regent was appointed, as well as when it had on former occasions been distributed among a number of different persons? It was for gentlemen who contended that the prerogative ought to be limited in the person of the Regent, to prove that the power might be withheld safely. Did they think that the prerogative was not now necessary in this time of danger to the country? They said, indeed, that the time to which it was proposed the limitation should extend, was short. How did they know, however, that it would be short? The time they have ascertained for its existence is a year. Will France wait for a year? Will America wait for a year?

If they cannot postpone the activity of the Enemy, they should not postpone the vigour of the prerogative. If they restrain the prerogative, they must shew that it is not necessary that it should exist, for the space of one year, in time of war. Why did gentlemen make it a question if the prerogative might be dispensed with for one year? Was not this opening the door to have it questioned whether it might not be dispensed with entirely? He was clearly of opinion that the Regent should here be possessed of the whole power of the Executive, in the name of the King. The two Houses were called on to create a competency for a deficiency which was found to exist. They must create what was necessary to save the country. Let the House recollect that it was proposed to deprive the Regent of the great power of the Prerogative in that very year in which it might be necessary to fight for the preservation of England. Gentlemen who desired the House to concur with them in this restriction, were not entitled to call on those who stood up for the Prerogative to prove that it was necessary—it lay on them to prove the contrary. They were bound to shew that those powers with which the antient kings of England were invested for the safety of the state, were not now necessary for the protection of the realm, but that they might with safety be suspended, even during a period of danger. The right hon. gentleman (Mr. Perceval), however, chose himself to give up part of what he originally contended for, and to make an exception from his own rule, by exempting military and naval officers from the scope of the limitation; the exception, however, destroyed the rule. The right honourable gentleman admitted that there might be an inconvenience in extending the rule to the cases of naval and military officers; but he would ask him how he could prove that a similar inconvenience did not extend to other orders of the State as well as to the Army and Navy? The exception destroyed the rule. The right honourable gentleman had deducted so much from it, and all that remained for the House was to deduct the remainder. The House was now called on to make an experiment, how much of the Royal power might be taken away; how much of it might be spared without destroying the country. They were now to try with how little, rather than with how much vigour the Executive government might be carried on, so as just to prevent the country from being totally overthrown. Would the right honourable gentleman, and those who thought with him, be

responsible in their own persons, at such a time as the present, for taking away so great and important a part of the Executive power? If the Regent was to have no power of granting peerages, pensions, or places, while a reversionary interest had been secured to the present ministers of the Crown, was not this greatly weakening the hands of the government? If the ministers of the infirm King were not also the ministers of the Regent, would not this throw the power with which government ought to be armed into the hands of the Opposition? He would ask the right honourable gentleman, was it proper that at such a period as the present, when the country was threatened with danger from every hand, there should be a weak Government and a strong Opposition;—nay, that the Government should be rendered weak, and the Opposition strong—by act of Parliament? *(Hear! hear!)*

If the House conferred on the Regent one power and withheld another, they gave a new face and complexion to the Sovereign Authority—it was no longer in the hands of the Regent what the Constitution prescribed it should be in the hands of the Chief Executive Magistrate. It was to alter the original principles of the government—to separate the authority—to discharge the more arduous and important duties of the kingly office—the administration of foreign affairs—and of justice at home, from those functions which formed its grace and amiability, and which were not less the objects of affection than the instruments of power. He asked, therefore, in the first place, if it was safe to do this under the present circumstances, now that the nation was at war, and universally confessed to be in imminent danger, and if it was safe to do so, was it also necessary?—Was it necessary to facilitate his Majesty's restoration to power when he should recover, as he (Mr. G.) hoped he speedily might?—Would the authority to grant peerages in any imaginable manner during the King's illness tend to obstruct his resumption of the Royal functions? He concurred fully in the opinion that the Queen should have the custody of his Majesty's person during his indisposition, and thought likewise, that the first moment of restored health should be the moment of restored sovereignty. As soon as the dawn of reason should re-appear, he wished to see the Monarch re-invested with all the powers and attributes of royalty. But when it was stated, that difficulties might be interposed if the prerogatives of the Crown were not in the mean time

suspended, he could not avoid saying, that if he conceived it possible that a Regent could be so lost to the dignity and the duties of his station, as to convert his power to such a purpose, he could hardly believe that any men would be found daring enough to advise a proceeding of that nature. *(Hear! hear!)* He could not believe that any members of either House of Parliament were capable of forming such a conspiracy. *(Hear! hear!)* If prerogatives of one description were entrusted to the Regent, it appeared to him absurd to withhold others. If he were a fit person to be invested with the power of making peace or war—of administering the laws—of inflicting punishments—how could it be said that he was an improper person to exercise the remaining functions of government? If they qualified him in one way, why incapacitate him in another? It had been said, that the Prince, without any evil design, might create such an additional number of peers, as might materially strengthen the party in opposition to the future ministers of his Majesty; and reference had been made to the instance in Queen Anne's reign, and to the Administration that preceded the present, as shewing that a number of peers might be created in a very short time. To his judgment it appeared, that a refutation of this argument might be drawn from the examples adduced in its support. Had the operations of Government been at either of those periods impeded or embarrassed, in consequence of those instances? And if they had been, would not the mischief and the danger be as great, as if a similar exercise of the prerogative had happened under a Regent? *(Hear! hear.)* If the prerogative was one time liable to abuse, it was equally so at all times; and it was fair to argue from the abuse to the correction, but certainly not from the use to the abuse. *(Hear! hear!)* He would, therefore, cheerfully agree to the proposition, that a power that might be used for unconstitutional purposes might be properly corrected or abridged; but this was extremely different from permitting its full operation, and suspending it occasionally altogether.

He was decidedly of opinion, that the influence of the Crown ought, taken generally, rather to be diminished than increased; yet he was averse to a curtailment of any part of the necessary authority of the Executive at the present period. Yet what was it proposed to do? If the household were withheld from the Regent, he was not merely deprived of a certain portion of influence, but this influence

was thrown into another scale. A new political power was erected, which might keep up a continued course of rivalry and contest, which might give us two Regents instead of one, a Regent of Administration, and a Regent of Opposition.—(*Hear! hear! hear!*) He begged pardon, he meant no improper insinuation, he felt all the respect for her Majesty that was so justly due to her, but that was certainly a bad law which could only be made innoxious by the virtues of the Queen.—(*Hear! hear!*) If they trusted such a power to any other hands than the Regent's, it was fair to say that his power would be exercised in opposition to his measures. Was this then the treatment which the Regent was entitled to expect at their hands? Did it become Parliament to address him in this language? We have given you the prerogative of making war and peace, we invest you with authority to dispense justice to the subjects of this realm; but we do not find it expedient to confer any of the graceful and conciliatory attributes of Royalty, and have moreover set up a power that will thwart and oppose your measures, and therefore we desire you will exert your utmost energies for the benefit of the country."—(*Loud cries of Hear! hear!*) There was another light in which the subject placed itself to his view, the impression of the Prince's administration could not be lost on his future reign as the Monarch of these kingdoms. Were they by restrictions at once unconstitutional, harsh, and unnecessary, to render it impossible that the Prince should inspire attachment, or escape unpopularity, and inflict on the nation the gloomy alternative of an infirm King, or an odious successor.—(*Hear, hear, hear!*) He had no objection to the introduction of the King's name on the present occasion, it was impossible to avoid it; but he must think his sacred name had been treated with insult and disrespect, when he was represented as awakening from what was called the "trance of reason," and inquiring in the first instance for the list of his domestics (*Hear, hear!*). And that the Royal cares were of this description, that important national affairs might be safely submitted to his Majesty's attention in the stages of convalescence, but that the least change of his household and establishment would unquestionably produce a relapse (*Hear! hear!*)—what was this but an attempt, first, to shew that the Royal mind was occupied with weak and contemptible objects, and next to make that very cir-

cumstance the rule and measure of their legislation? (*Hear! hear!*) The true consolation of a sick King was to be found in the prosperity of his people; and that Parliament violated the duty which it owed to him, that left him, on his returning health, accompanied indeed by his attendants, but surrounded at the same time with the misfortunes of the country (*Hear! hear! hear!*).

The Master of the Rolls, in a speech of great ability, proceeded to take a view of the course which in the present exigency of the country, was best to be pursued. In examining into that course, it would be necessary to see whether it would be more beneficial to provide a remedy from the collective wisdom of the House, or to recur back to history, and take as a guide proceedings similar in effect to those now submitted for the adoption of the House by his right honourable friend. The latter was a course which had been pursued in all periods of the history of the country—not from a love for antiquity most certainly, but from a wish to adhere to every precedent to which great objection could not be applied. That such a course was wiser, was evident, when men's wishes, passions, and even their judgment, at such a moment as the present, might tend to difficulties. It seemed to be agreed by some, that in taking the proposition for their guide Ministers had not done wrong, while on the other hand, the contrary was contended. Would it, he observed have been judged right in them to have pursued another course? Would it either have been wise, justifiable, or expedient, finding a precedent or example applicable to the case, in which Parliament had gone a certain length, to have departed from that precedent, and brought forward some measure of their own? If they had so done, then indeed they would have attached to themselves a very heavy responsibility. They chose, however, to propose that example for the guidance of Parliament, which was, in itself, as had been argued, radically wrong, although their course of proceeding was unexceptionably right. Be the precedent what it might, he was prepared to contend that they were bound to make it the basis of their proceedings. It was still open to the House to consider the principle of it. That principle had been fairly treated by an honourable and learned friend (Mr. Leach) of his, who in his speech had displayed all the acuteness which was so peculiarly his characteristic. That

honourable and learned friend had acknowledged that it was right that it should be brought before the House, while others denied it, and cast reflections on the movers of it. As far as the right honourable and learned gentleman was influenced by considerations of attachment to the persons who first framed the precedent, he must say that he set a high value on it; that he had the utmost respect for the talents and the virtues of the leaders in that transaction, and was satisfied they would not have prepared any thing which could be construed into a desire to violate the Constitution. It was true that men might be biassed by their feelings; but there were some superior to the lot of error. He could not think that, whatever error might be laid to the proposers of the original measures, the crime of wishing to preserve their own influence was to be laid to their charge. In examining this precedent, which he should not take as a finished transaction (putting out that which on a former night had been commented on by the other side), it would appear that the Bill had not undergone any material alteration in the Lords, to affect its principles, and in recurring to what had been said with respect to the precedent of the Revolution, he should say that the principle of Parliament was then clearly pronounced, therefore if a similar emergency had arisen of supplying the vacancy, he should have been relieved from the necessity of answering the theoretical arguments used now, by the practical illustration which then would have been evident. However, the precedent of 1788 was the only precedent now to be followed. With respect then to the question of right, it put him in mind of what once had been said by a great man, "that no country should have a constitution which could not shew it in writing, and shew how it was to be defined." In comparing this observation with the show of constitutions "in writing" which this country had seen of late years on the Continent, it must make it gratifying that England could not enter into the comparison.—But as to the opinions now urged, they diverged from each other to this extent, that it was not competent to the two Houses of Parliament to give to the Regent any prerogative, while others maintained that Parliament were justified in so doing. The illustrious person to whom allusions had been made did greatly question, in bringing forward the measure, the competency of Parliament on the subject, and he doubted the legality of vesting in the Regent the whole of the

Royal authority—(*Hear! hear!*)—That opinion was much canvassed in 1788, and the question underwent very deliberate discussion in debate. He was therefore not a little surprised to hear it asserted that the illustrious person alluded to mistook the true principles of the Constitution of his country. In arguing the question now, it has been said that the incompetency of the House lay in giving the power, when in fact it was asserted on the other side, that it lay in withholding that power. With both of those great authorities he must differ. He could not agree with those who were for conferring on the Regent all the Royal prerogatives, nor with those who were of opinion they should be withheld. With the knowledge of the Constitution which he possessed, he could not discover any practice of that Constitution which rendered it necessary that the powers of the Regent should be coequal with the Sovereign authority. On the contrary, he had always understood that the powers of the Regent must in all cases be inferior to those of the Sovereign. The House were bound to act, in case of exigency, certainly according to the best of their discretion. The question of competency and of incompetency, for the reasons he had stated, very naturally abridged the powers of the House on the question of right. What was the present proposition? It allowed that the person possessing the prerogatives was entitled to retain them; consequently the House had no right to deliberate upon it. The House could not go into the question of expediency, and he must contend that they were not justified in separating the prerogatives; any attempt of that kind would operate to their mutilation. The right honourable and learned gentleman maintained, that the Law and Constitution pointed out what a King should be with respect to power; beyond that the House could not go. It did not belong to them to say what the kingly functions are. So it was at the period of the Revolution, when Parliament declared that the Prince and Princess of Orange should be King and Queen; the Parliament then did not attempt to define what the rights of the Monarch should be—The law had settled that point. Before gentlemen could contend that it was necessary to vest powers in the Regent, they should shew that the office was ascertained, fixed, or defined. Unless they could, there was an end of the argument. The office of Regent never had existence in this country; it was borrowed from France and from Scotland. In England the absence of the Exe-

cutive authority was supplied by Protectors. In the infancy of one of the Monarchs (Richard II.) the Regency was composed of a Council, the Protector being the head of that Council. It must be clear, therefore, that the definition of the office of Protector was better ascertained than that of Regent. Indeed, so little was it known, that in the 6th of Henry the VIth, Humphrey Duke of Gloucester sent to the House to know what his functions were. The House of Lords in answer replied, that "they knew of none," and yet he was appointed by Act of Parliament. The precedents which had been adduced in support of the powers of the Regent were not founded on any rule of law, so that Parliament could interfere. They possessed merely a discretionary power, and nothing but the necessity of the case could authorise the use of that discretion. If his Majesty should recover in eight days, there could be no difficulty in dropping the proceedings. When the first adjournment was proposed, no one thought Ministers were wrong in making the proposition; many thought the second adjournment was not improper, especially if while the functions of the Monarch lay dormant no material inconvenience arose to the State. The House was now called on to act to prevent the inconvenience arising from admitting the Executive functions to remain any longer dormant with prejudice to the public service. The right honourable and learned gentleman, in recurring to the precedents before alluded to, the Succession Act of Queen Anne, the Acts of 1751 and of 1765, contended that those very Acts referred to by the honourable gentleman (Mr. Leach), proved that the government was crippled. There was, in his opinion, no analogy between the cases: the Regent appointed under those Acts had hardly any of the functions of Royalty, while the Royal person, the object of the present measure, had the whole.—The Council of Regency under those Acts bore no resemblance to the Council of the 6th of Henry VI. The Acts of 1751 and 1765 contained no such provisions as were brought forward; for it was provided that the Regent may act like a King, but with certain exceptions, limitations, and restrictions. These words, however, were quarrelled with, for it had been contended that this was a species of incongruity. There was in his opinion more of difficulty and objection in withholding the power than in granting it. The Parliament of 1788 proceeded on this ground, that all the functions were not absolutely necessary,

and yet if the excuse was granted, when his Majesty returned to health, he might be impeded, not in the resumption of his authority, but in the carrying it on. The danger to be apprehended was in that respect. Why was it judged expedient to repose greater confidence in the Prince of Wales than in any other Regent? He did not mean to make this observation in an invidious way—for no man who knew his Royal Highness would suspect that the confidence reposed would be abused. But it was a fair ground of objection for granting unlimited powers to a Regent, because it was impossible that the nation could have that security from a Regent as they would have from a King, the Regent being only a temporary possessor, and the Monarch holding the office for life. A King never could designedly make any provision at the end of his government for enfeebling it. What was the case with a Regent, let him stand in ever so near a relation to the Crown, but standing in a near relation, and being identified with the interests of the Crown? He should therefore be inclined to impose fewer restrictions.—These arguments would apply generally, and with reference to any Prince of Wales. It was an unfair suggestion to say that those who supported and proposed the restriction, were disposed to study and give insults to the Prince of Wales. Was he to be supposed less attached to that Royal person, who he was ready to admit was eminently qualified for the Regency, because he stated his opinion that it would be inexpedient to vest too much of the Royal authority? So high was the opinion which he entertained of that Royal Person, that he was convinced his Royal Highness would not think the worse of any person for having delivered his sentiments upon the question freely and without reserve; and though his opinion might tend to provide for a diminution of his own personal powers, nothing personally offensive was intended. The right honourable gentleman observed, that it would be contended—How do you reconcile it to yourself to erect an unrestricted Regency at the end of twelve months, when you compel a restricted one in the first instance? To that he would answer, that at the expiration of that period the danger to be apprehended would be gone by, and then it might be necessary, supposing that the illness of his Majesty should continue, that the restrictions should be discontinued. It might so happen that the recovery, from the long duration of the malady, might be doubtful. Besides, it would be the

interest of the Regent to act as if he were the Sovereign—he would in fact have no interest distinct from that of the Sovereign, and consequently no danger could be apprehended upon the whole. The right hon. and learned gentleman contended he was justified in supporting the precedent of 1788 for the reasons stated, and should give his vote for the resolutions as they now stood.

Mr. Canning rose amid loud cheers of the House, but merely stated shortly some difficulties which he had on the subject of the precedent of 1788. He said he intended to say a word or two on the Resolution, but on further consideration, he had judged it advisable not to trouble the House on the subject.

Mr. Sheridan—I entirely agree with those Members who bestowed their approbation on the speech of the learned gentleman who has just sat down; and I would not therefore attempt to follow him, if acquirements of legal subtlety and legal argument were at all necessary to the discussion of the present question. It appears to me, however, that this is a question which requires only a general knowledge of the constitution, and perhaps a particular knowledge of the circumstances, which took place during the period of 1788. I trust, therefore, it will not be considered as presumption in me if I attempt this evening to follow that learned gentleman. I do most heartily agree with him in supposing that the Prince of Wales will not think the worse of any man for delivering his real sentiments in this House on the present question. I am sure when he attributes this sentiment to the Prince, he does him but justice. I will go farther—I say that if any man could take umbrage at what was spoken by members of this House, in the discharge of what they conceived to be their duty, that man is not fit to be Regent (*Hear*!). But when the learned gentleman pays this compliment to the Prince, I am willing to pay a similar compliment to the King. I say, it is gross abuse in any person to suppose that the King, on his recovery, will catechize members of this House for what they may have done in the exercise of their duty on the present occasion. (*Hear, hear*!). When I have heard the speech of the learned gentleman, I suppose I have heard all that law and argument can urge in support of the measures now proposed to us. At the time when the learned gentleman (Mr. Leach) delivered himself on a former evening, whose speech was as well characterized as unanswered

because unanswerable, they, the learned gentlemen opposite, sat in a

Death-like silence, and a dread repose.

(*Laugh*); but now that the learned gentleman has at length, after a decent pause, come forward, I presume we may safely believe that we have heard from the mouth of that organ all the arguments that can be brought forward against that speech.

Much has been said to us of the necessity of following the precedent of 1788. We have been told of the virtues of those who proposed and carried the measures of that period; but I think it is but fair for the gentlemen on the other side of the House, to allow, that those who opposed these measures were actuated by as fair motives as the persons who either proposed or supported them.

We have been told that the precedent of the Revolution has no application to the circumstances of the present period, We were then, it is said, without a Monarch, and it was the duty of the Convention to supply the deficiency. Now we have a Monarch, who, unfortunately for the country, is deprived for a time, as is to be supposed, of the power of exercising the functions of royalty, and all we have to do is to provide for the temporary exercise of those functions. In the former case, the Convention were at liberty to consider, whether they might abolish the monarchy altogether. (*Hear*).—They might have said, it is in our discretion whether we are to do any thing at all. Why, what is it that you are now doing? You are doing nothing of what you ought to do, and you are doing every thing which you ought not to do. You are, in fact, doing every thing in your power to abolish the monarchy.

I applaud the motives by which the gentlemen opposite profess to be actuated—their wishes that no acts should be now done by us which might have a tendency to impede his Majesty's recovery. I do not believe, however, that any thing which this House shall do will have any such tendency. I say to those gentlemen, why will you force me to do that which you have no right to force me to do, from ideal motives of delicacy towards the Sovereign, and which, were we to suppose well grounded, would be to pass the severest censure on his Majesty?

The learned gentlemen opposite tell us that the emergency of 1788 was altogether the same with the present. I say, that

it was totally different. I say, that it is my conviction, that if the great Leader who carried through the measures of 1788 were now alive, he would vote against all of these restrictions (*Hear!*). One of these learned gentlemen, though I beg their pardon for using that appellation, as they seem to disclaim the title of learned gentlemen, and wish rather to be considered as Ministers than Lawyers—one of these learned gentlemen has stated, that Lord Grenville has written a book containing such and such arguments. I say, Lord Grenville has written no such book *(a laugh)*. What has the book which Lord Grenville wrote to do with the arguments which the learned gentleman has been stating to be found in it? Little did my noble friend Lord Grenville think, when writing his book in 1788, that it was to be quoted by my learned friend opposite in 1810.

The whole argument of the other side of the House is the precedent of 1788, the whole precedent of 1788, and nothing but the precedent of 1788. That seems to be the whole burden of their song. I have the highest respect for the great Man who was then at the head of the Administration; but I will venture to say, that if ever there was a precedent on your Journals, which disgraced this House, it was that precedent. This is a time when we must speak out (*Hear!*). I say that those times were disgraced by party heat and violence, and that they are not fit to be remembered. As an instance of the improper length to which that heat and violence was carried, I should have only to bring to the recollection of the House, the language which was spoken by Mr. Burke on that occasion—language which I will not disgrace the House by mentioning. When I say, that a gentleman in this House went the length of stating, that the Prince of Wales had no more right to the Regency than any other member of the House, I have said enough to shew the improper length to which party zeal was then carried. That instance is sufficient. I desire the House to bear in their recollection the preamble to the Bill which passed on that occasion. Why, it was neither more or less in substance than this, Whereas every man in this kingdom hath an equal right with his Royal Highness the Prince of Wales to the office of Regent.

I need say nothing as to the gross abuse which was then heaped on the Prince, the strong provocation which he received. He was held up to the nation as a man not fit to

be trusted. It was asserted, that the Prince was at the head of a faction; and motives were ascribed to him of the most base and most illiberal nature. From all these circumstances I am clearly of opinion that the precedent of 1788, does by no means apply to the present period. But, laying aside every thing else, there is in the Bill itself circumstances which fully make appear what reliance you are bound to place in it. There is not a word of truth in the Bill from beginning to end.

I had the honour, or dishonour, to be a member of the Committee appointed to search for precedents in 1788, along with the member for Yorkshire, who, I believe, is the only one living of all those who formed that Committee. We went on this duty on the 10th December 1788, and we gave in our Report on the 12th December. We could find on the Journals nothing but bad Latin and bad French; and we told the House that we could find no precedents, and that they must look for precedents themselves. (*Laugh.*)

The more I consider the transactions of 1788, the more I feel inclined to testify my disapprobation of them. In this period of 1788, we suffered a Bill to pass, which enacted that the Regent should never make any peers at all. In consequence of this Bill, the House of Lords would have had the whole constitution of the country in their own hands; and Mr. Pitt, who had made, I suppose, a hundred peers himself, had, we may say, a right to expect a support from them in return. Is not this a most notorious instance of the party beat which disgraced that period? Here is another: the Queen was to have a council, and four persons are named in the bill as members of the council: John, Lord Archbishop of Canterbury; Edward, Lord Thurlow; William, Lord Archbishop of York; and Lloyd, Lord Kenyon; along with four of the officers of the household. One would think that if the Lord Chancellor and Lord Chief Justice, the Archbishops of Canterbury and York were to die, the persons whom the Prince should have thought fit to elect to succeed them in their offices, should have also succeeded as councillors to the Queen in their stead. No such thing. The Queen was to have the nomination of their successors. Why, the whole Bill was an act to disgrace the Prince of Wales, and to degrade him in the eyes of the nation (*Hear!*). It says most plainly, you will put in some disgraceful persons to be Archbishops of York and Canterbury,

and to be Lord Chancellor and Lord Chief Justice. Surely nothing can point out in a stronger manner the rancour and animosity which governed parties at the period of 1788.

But, Sir, an endeavour is attempted to obtain a sanction for this proceeding upon the authority of his Majesty's expressed approbation, when restored to his faculties and throne in 1789. Let us examine the strength of this position. That speech was either the speech of the Ministers, or the personal opinion of the Sovereign. If it was the personal opinion of the Sovereign, it is unconstitutional in any man to quote it in this House; and if it was the speech of the Ministers, what other interpretation can it bear, but that it was the expression of their own approval of their own acts? (*Hear, hear, hear!*) I more particularly advert to this point because I find it to be one on which the right honourable gentleman, the Chancellor of the Exchequer, has placed his main stress, in his answer to the Princes of the Blood; an answer with no great characteristic, unless one should observe the little degree of peevishness in which it is conveyed, combined with the attempt of dividing the Royal family at the same moment that they would divide the Royal authority. But, recurring to the events of 1789, it was observed by the honourable member for Yorkshire, that he believed that however the leading parties differed as to the means, it was his conviction, and he was sure the conviction of those who supported the proceedings of that time, that their opponents were actuated by the most sincere motives of loyalty and duty. Does the honourable member recollect the events which followed his Majesty's recovery at that period? Does he recollect the dismissals and exclusions which, with such unrelenting vengeance pursued the opposition of every man who happened to have voted against the Minister? (*Hear! hear!*) Do they also attribute these acts of persecution to their Sovereign? (*Hear! hear!*) Will they say that that Sovereign, whose character has ever been so conspicuous for piety and benignity, when restored by the will of Heaven to his reason and his throne, instead of being employed in returning his God his most grateful acknowledgment for his Divine favour, that he was the author of these vindictive proofs of displeasure which succeeded to the fortunate event of his recovery?—It would be a most brutal and disloyal application—but it is an application that must stand on as fair ground as to make the Monarch responsible for the speech of his servants. At present

I feel it unnecessary to go more at large; indeed, little else remains to be answered; for all that we have heard from the gentlemen opposite, refers entirely to the proceedings of 1789. They are the phantoms of my lord Thurlow, supported by the ghost of Mr. Pitt. (*Hear, hear, hear!*). When we come to that stage of our proceedings in which the authority of this House, by a curious fiction, is to be further sanctioned by the application of the Great Seal, then I trust that I shall be able to make one bold struggle in behalf of the Constitution. There has, however, fallen from a noble lord (Castlereagh) an observation to which I am anxious to draw your attention. The noble lord declares his readiness to entrust to the Regent the appointment to all the great offices, at the same time that he considered it highly proper that he should be restricted in the creation to the peerage. On that, as on other occasions, the noble lord wishes to have two strings to his bow. (*Hear, hear!*) Were I appointed Regent, says the noble lord (an occurrence not very probable, but which has no doubt originated from that remarkable expression in the year 1788, that the Prince had no greater right than any other subject to the Regency—an expression which, however, has not yet produced a candidate), or were I the Minister of the Regent, I would feel highly delighted in being incapacitated of a power, the exercise of which might possibly be productive of much discord and ill-will between me and Parliament. In what political school has the noble lord been instructed? Does he understand the extent to which his curious argument can be carried? Why, Sir, it goes to the extinction of the whole of the Kingly office. It is an act of favour to the Regent, which would not put him to the trouble of attending to the interests of religion, by appointing bishops or archbishops—nor to the interests of the state, by a surrender of his judgment on the policy of peace and war—to the desertion of his army and navy—by holding no controul over the Commanders! It is, in a word, an admirable contrivance of the noble lord to place his Royal Highness on his own peculiar bed of roses.—(*Loud laughing.*)

An observation not quite so curious, but fully as unconstitutional, has fallen on this subject from a learned gentleman opposite—(Mr. Stephen). In his opinion the successive contentions in which we have been engaged, have so disgraced us in the public estimation, that were it not for the personal virtues of the Monarch the character of the nation

must have irretrievably fallen, with every thing venerable and sacred in the State. I am, indeed, ready to acknowledge, that the public opinion is not very strong with public men on either side of this House; but should consider this a most deplorable grievance, if I felt it to be without its remedy. I should, indeed, repine, if I could not attribute the apathy and distrust which prevails abroad to the most natural cause, that they have been produced by the non-performance of those pledges made to the people—by the postponement of those plans of reform and improvement, which those pledges had induced them to expect. (*Hear, hear!*) The last Administration acted upon the conviction that the privileges which they avowed and uniformly maintained, commanded public support. They had a right to entertain that conviction, although circumstances interfered when in power with the accomplishment of their duties.—(*Cries of Hear, hear! from the Ministerial benches.*) Let the right honourable gentlemen opposite exult in their security—in that miserable security which with no title springing from themselves has continued them in place, only because, from a want of public confidence, there has not been an animated cry to recall their opponents to office. (*Hear, hear, hear!*) I repeat that the former Administration acted upon the conviction of having deserved the support of the country; but those I see before me, so conscious have they been of the want of any such claim, either from principle or talent, that I must do them the justice of admitting, that they have had the modesty of abstaining even from the assertion of any such ground of preference.—(*Hear, hear!*) But reverting to the argument of the learned gentleman, I pronounce it to be most unconstitutional. The private virtues of my Sovereign I reverence and honour; but to make them the link and bond which connects the various branches of the State, is to libel both the Sovereign and the Constitution.—Has the Prince no virtues?—Admitted—but we have no experience of him as a King.—What then?—We must restrict him—that is to say, we must abridge and deprive him of all the prerogatives and capacities of the Royal Authority, by the exercise of which the benefits of the Sovereignty can be dispensed until we have ascertained whether he is entitled to the character of a good king.—(*Hear, hear, hear!*)—He must reign, says he, fifty years.—Surely he cannot mean that the energies of the Monarch cannot be displayed until the powers of the man have actually ceased. It

is indeed the end and tendency of all these arguments to prove of what little value or necessity the Kingly office is. Why then, it is said, those restrictions will expire in a year —Is this the intention of the right honourable gentleman? —Are all those the means by which the state and happiness of the afflicted Monarch are to be preserved—are these all to lapse and vanish within the short period of twelve months? —Is he in his sickly situation then to be given up to the care of him, against whom the most unjust suspicions, by the very act of restriction, were now presumed?—The fact is not so. They are to continue for a year and six weeks, to be then subjected to the consideration of Parliament, whether it shall think proper to renew the lease?—The dismissals which followed in 1789 are the strongest proof of the manner in which opposition by any of those officers of the Household at any future time would be treated. They must feel that for restriction they must vote, or resign their offices. What was that but to degrade the Monarchy?—To have the representative of Royalty from year to year catechized by Parliament—to place in his hands the sceptre *quamdiu se bene gesserit*?—(*Hear, hear!*)—Much more willingly would I accede to have the period of limitation extended to three years, and then altogether cease, than subject the Executive Magistracy to such degrading conditions. This was the marked distinction between the plan now proposed and that of Mr. Pitt.—Even he would not have ventured to shackle the Regent with renewed considerations: and were it possible for that great man, for great I will ever call him, to revisit this life, what more degrading libel on his fame and character could he feel than to see that what he, with his mighty talents and extensive influence, backed by the according sentiments of three-fourths of the people at that moment, would not have ventured to propose, the pigmy gentlemen opposite have dared most pertinaciously to persevere in? (*Hear, hear!*)—One word to the honourable gentleman, member for Yorkshire; and, in addressing myself to him, I admit his own excuse for being induced to rise upon the instantaneous feeling with which he was animated at the allusion made to the character of his departed friend (Mr. Pitt). I assure him that I most sincerely applaud the zeal, and appreciate the warmth which provoked him; and though I at all times profess my disinclination to enter on any invidious comparison between the respective merits of those whose failings are consigned to the silence of the grave, I have,

however, my claim to that species of panegyric which that honourable gentleman has pronounced upon his departed friend. I may be allowed to do justice to the memory of him, whose amiability of mind both to attach friends and to appease enemies, was admitted by that honourable gentleman. But I must own, that when he adverted to that great character, I could not expect from him such parsimony of praise; I did conclude that he who had, during his whole political life, made one measure (the Slave Trade) the very object of his soul, without which his conscience could never be at rest—on which he placed his happiness in this life, and rested his hopes of hereafter—I say, I did expect that he would have done at least justice to the memory of the Statesman under whose auspices that great object was accomplished, and to the pure and disinterested consistency with which he uniformly advocated, and ultimately pressed its adoption—(*Hear! hear!*) No man, it was true, more eloquently arraigned the injustice of that disgraceful traffic, than that departed character, the theme of the honourable gentleman's (Mr. Wilberforce) full panegyric; but it was remarkable that on this point, he that could carry in this House every other thing, was sure to be defeated by the suggestions of Mr. Secretary Gradual (Lord Melville).—(*Hear! hear!*) But what my departed friend (Mr. Fox) professed out of place, in power he supported. He would admit no compromise, but hazarded the security of his government to evince his sincerity of principle. It was he that retrieved the nation from that turpitude and deadly sin, which the honourable gentleman (Mr. Wilberforce) conscientiously believed to affect every individual of a nation which admitted such a traffic; that which he thought to be the salvation of the empire, my friend accomplished; and if ever there was that man, in whose heart the memory of another should have been canonized with superior attachment, I should have thought it was the memory of Mr. Fox in the heart of that honourable gentleman (*Cries of Hear! hear!*). There are two points which I feel it impossible to overlook; the condition in which we are placed, and the condition of the government. As to ourselves, I contend that we are at this moment no House of Commons, and that the men who dare to execute the functions of government are guilty of usurpation. The very avowal that it was open to them to exercise such functions, even though the assertion be not carried into effect, is treasonable.

It is an act of high treason to the men who dare make the proposition, and misprision of treason in this House patiently to listen to such doctrine (*Hear, hear!*) They are a new Directory, self-elected and self-constructed, upheld by nothing but their own forcible seizure of the attributes and and prerogatives of the Crown. There is no other distinction between them and the Executive Directory of France in the year 1795, only that the latter owed their appointment to the appearance at least of popular choice. It would, indeed, in this era of military expeditions, be some consolation to think that our Directory could boast such a skilful engineer as the French had in Carnot. There is, however, one similitude, that at the head of the French Directory, as well as our own, there was a Lawyer, of the name of Reubel (*A laugh*). And I recall this to the attention of the gentlemen opposite, that when the day of serious account shall come, as come it must, the right honourable the Chancellor of the Exchequer, at a time when precedent passes for every thing, and common sense and the Constitution for nothing, he might have the full advantage of the case of Reubel. (*A laugh*). As to our own condition, we seem to act under the impression that what the Monarchy has lost has been divided amongst ourselves; whereas the Royal power is so fundamentally interwoven with every other interest in the state, that by its interruption the life and power of Parliament is paralyzed. We are a sort of sheer-hulk run adrift, without either rudder, mast, or pilot. If this was your first sessions, what privileges could, in your present state, belong to you, demanded, as such privileges are in the first instance, from the Crown? Have you committees of religion, justice, or privileges—measures which characterize your legislative existence? Do you print your votes? How, then, can you assume the front and mien of a legislative body? The worthy baronet (Sir F. Burdett) had on a former occasion doubted your power to issue a writ for a vacant borough. In answer to his objection, it was stated that in the year 1789 writs after much deliberation were moved for and issued. The fact was not so. A writ for Colchester was in the usual manner moved. The Speaker was the person who intimated the objection. The writ was granted; but what followed? The unsuccessful party presented a petition against the undue return. That petition you declared your inability to entertain. Where, then, I ask, is your power to issue, when you have not authority to examine whether the return

to that writ is legal or not? We are in a most miserable situation; and a regard for our own dignity, if no other consideration has power to influence, ought to compel us not to lose an hour in taking the most prompt means to get rid of the difficulty. But when we look to our foreign relations, can we see no difference in the prospect of the times at this moment, and when the miserable precedent of 1789 was introduced? What, I ask, is the object and argument of him who is now the Emperor of France, whose title it is folly to deny? What are the principles to which his policy gives utterance throughout the extensive range of his oppressive influence? That Revolution which was to impart peace to cottages, and destruction to thrones, has ended in the establishment of more thrones, and the desolation of more cottages, than the afflicted world ever before witnessed (*Hear, hear!*). Has he not declared the distant dynasties of Europe to be unsound and rotten, and professed his intention to accomplish their ultimate subversion? In spreading through the unhappy nations subjected to his will the horrors and hardships of his unfeeling despotism, of what powers of oppression does he avail himself? Are not his instruments kings, decked out in all the exterior trappings of royalty, but divested of all the means of grace and benignity, to win attachment, or to reconcile privation?—(*Hear, hear, hear!*) Warm as our sympathy must be for the unhappy people subjected to his caprice and sacrificed to the objects of his criminal ambition, it is impossible also not to feel for those unhappy persons who, temporarily raised to thrones and sceptres, have been disgraced and cashiered, for the abomination of exercising over their subjects, a more mitigated tyranny than his vile policy dictated. The executioners of his vengeance, he places them on a platform and calls that a throne. He puts a whip of scorpions in their hands, and calls that a sceptre. (*Hear, hear!*) "See," said he to the ill-fated Prince of Asturias, "the folly of being popular—behold the people of all nations panting for retribution—Kings they must and do hate." Shall I then, by my vote this night, give currency to such doctrine? Shall this House furnish him with additional arguments in support of such principles, followed by an illustration of which he would not fail to take advantage? Will you allow to him the power of saying to the nations of the earth, "Has not my opinion been well founded?—is it not human nature itself? Can you doubt when you see Great

Britain, notwithstanding its boasted excellence of constitution, greedily seize the first opportunity that has occurred, to curtail the legitimate powers of the Sovereign, and in such an emergency to dismember almost the Monarchy itself?"—(*Hear, hear!*) Shall I then, or will this House, become the instrument of Napoleon, in furnishing him with illustration favourable to his detestable objects? It is a libel, false as hell, to describe such to be the feelings of the people of these realms, or to attribute to the Prince any qualities which, in the remotest degree, can warrant suspicion.(*Hear! hear!*) Whatever are my hopes and views of reform, I say now, as I have ever said, that we are struggling to preserve a condition of society far above that which the other civilized nations of the world have attained. Is then this the moment to fetter or restrict the constitutional powers of him whom the public voice has unanimously called to preside over our destiny during the unhappy indisposition of his Sovereign and Father? Shall we send him forth with a broken shield and half a spear to that contest, on the issue of which depends not alone the safety of Great Britain, but the rights and happiness of mankind?—(*When Mr. Sheridan sat down, cries of* Hear! hear! *continued for some moments.*)

Mr. Canning (amidst a general call for question) rose, and expressed his intention of not trespassing upon the indulgence of the House for any length of time. The purpose for which he rose, was to express an opinion on a subject which was so nearly allied by his feelings. In expressing that opinion, he was compelled to declare his decided disapprobation of the manner in which the question had been discussed by an hon. and learned gentleman (Sir S. Romilly) on a former evening. He could not sit silent and listen to the language of that right hon. gent. when speaking of that illustrious statesman (Mr. Pitt), without feeling, at the same time, that the memory of that gentleman had been attacked with a species of undeserved severity, which the subject in discussion did not at all warrant. What good could be derived from grounding the question on the principles of those who presided during the proceedings of former times? At present, as a new government was to be found, it was certainly unnecessary that unanimity should prevail; but it appeared to be the wish of some persons to disturb the ashes of the dead, to kindle anew the flame of contention among the living. He hoped he should not be found speaking on any

occasion with contempt of those who had taken part in the former debates; but he trusted it would not be asserted, that the idol worshipped by those whose political sentiments differed from his, was to be raised on the sepulchre of that statesman he was proud to call his ever-revered, illustrious, and honoured friend: he thought the lustre of that statesman could not be so tarnished. Before they entered upon the new theatre of government, he thought every unpleasant feeling ought to be forgotten. An hon. and learned gentleman (Sir S. Romilly) had the merit, if merit it was, of opening in the kind of debate he had noticed.—(*Hear! hear!*)—He should abstain from following that hon. and learned gentleman through his speech, but he must observe, on that part where he had said, "Mr. Pitt was not a great man," they lived in times of heroics, and there was a gigantic person who said, "Mr. Pitt was not a great man."—He would defy the ingenuity of the hon. and learned gentleman to draw a picture of human grandeur, which should exclude from his view the sight of that great statesman. He should always speak with respect of the name coupled with Mr. Pitt, and he would tell that hon. and learned gentleman, that the friends of Mr. Pitt, however they find their feelings aroused by the unhandsome and ill-timed attacks upon his memory and character, would never so far forget the respect due to themselves, as to call forth expressions of illiberality and injustice—they would disdain to retaliate. He was at a loss to conceive why they had been called forth. A circumstance had occurred in the Brazils, which, when told, might perhaps elucidate that point. A question had come under discussion of the government on a religious topic, in which a reverend clergyman from the country opposed the measure, which was one of toleration; the reverend person was reminded that the Catholic religion was tolerated in England, to which the clergyman replied, that though the false religion was bound to tolerate the true, yet the true was not bound to tolerate the false. On the same principle, those who calumniated Mr. Pitt judge those who differed from them in their political creed. He did not presume to say what should be the extent of the Executive power, but he thought that placing the greatest power which the Constitution would grant in the hands of his Royal Highness would be beneficial to the country.

Sir S. Romilly said, that it was a little extraordinary that the right hon. gentleman, who was able yesterday so completely to abstain from answering that part of his speech

which appeared to have given him so much offence, should now, after 24 hours consideration, judge it proper to exhibit so much zeal for his friend, in reply to the attacks which he stated to have been made against him. He said that "(Sir S. Romilly) had first the honour, if honour it was to be called, of turning the debate on the character of Mr. Pitt." The right hon. gentleman, however, knew, and could not avoid knowing, that it was not he who first introduced the name of Mr. Pitt in the debate. The right hon. gentleman must know that he himself (Mr. Canning) had spoken highly of the authority with which the character of Mr. Pitt had clothed the precedent of 1788, and he thought it necessary, therefore, to apologise to the House for departing from a precedent supported by such high authority. He would be ashamed of himself if on the present or any other occasion he should wantonly and unnecessarily introduce a topic merely with a wish of saying any thing injurious to the memory of Mr. Pitt, or of any body else. If he was contending in a court of justice, and a precedent cited against him, which was stated to be authority almost conclusive, it would become his duty to examine what was the real value of the precedent, and of the authority that was quoted; and in so doing he might be obliged to speak freely of the professional character of some judge that was dead, without being actuated by any motive of malice to his memory.—When he yesterday said, that, notwithstanding Mr. Pitt's great talents, he could never consider him a great man, he gave it as his reason for that opinion, that he did not know that those great talents were ever applied to the improvement of the condition of any part of his Majesty's subjects. If the right hon. gentleman could have shewn the part of the people whose condition had been improved by Mr. Pitt, if he could have fixed on any part of the empire, "to read his history in a nation's eyes," that would have been some answer to him; but he could see nothing in the pompous and eloquent display of zeal exhibited this night, after 24 hours consideration, which could at all shake the foundation of the opinion which he had last night expressed.

Sir F. Burdett, alluding to what had just passed, declared that the zeal of the right hon. gentleman appeared to him very unbecoming, and hoped the reception it had experienced would prevent his betraying the same feelings for the time to come. With respect to the memory of Mr. Pitt, whom he had known from having for the period of sixteen years been

a close observer of his conduct; the right hon. gentleman was in fact a panegyrist of the system of which Mr. Pitt was the head. He had no wish to add to the warmth which had been expressed on the subject, and it was his wish to reserve the observations he had to make on the memory of Mr. Pitt, until the question had been discussed which then called for their attention.

The question being loudly called for, strangers were ordered to withdraw, when the House divided:—

For Mr. Perceval's motion, to give the Queen unlimited power over the Household, ...	214
Against it	217
Majority against Ministers	3

[The Resolutions, therefore, as presented to the Lords, go to restrain the Regent from the granting of Peerages, &c. for a limited term; but they grant him the whole of the Household, except what the two Houses may deem suitable to the care of his Majesty's person.]

HOUSE OF LORDS.

THURSDAY, JANUARY 3.

STATE OF THE NATION—REGENCY.

Lord Clive and several other members of the House of Commons, brought up a message, desiring a conference on the subject matter of the last conference.

On the motion of the Earl of Liverpool, the House agreed to a conference, and the messengers being again called in, were informed by the Lord Chancellor, that the Lords agreed to a conference presently in the Painted Chamber.

Shortly afterwards Mr. Quarme, the Deputy Usher of the Black Rod, came to the bar, and announced that the Commons were waiting the conference in the Painted Chamber.

The following lords were appointed managers of the conference:—The Lord President (Earl Camden), the Lord Privy Seal (Earl of Westmorland), Earl Graham, (Duke

of Montrose), Earl Bathurst, the Earl of Liverpool, the Earl of Harrowby, the Bishop of Killala, and Lord Walsingham, who went forth.

On their return soon afterwards, Earl Camden reported the communication of the Resolutions agreed to last night, which were read by the Clerk.

The Earl of Liverpool moved, that the House resolve itself into a Committee on the State of the Nation to-morrow, that the Lords be summoned, and that the Resolutions be referred to the Committee.—Ordered.

ISSUE OF MONEY.

The Earl of Liverpool stated, that a question had arisen relative to the issue of money under the Appropriation act, for the services of the Army and Navy, and moved for a copy of a warrant issued by the Lords of the Treasury on the 31st of December, and of the correspondence respecting it which had passed between them and the Auditor of the Exchequer.

Lord Grenville said, from the manner in which the noble earl had opened the motion, he should merely state that he had no objection to it.

The motion was agreed to.

PROTESTS.

The Earl of Moira observed, that from an aukward inattention in winding up the Journals, the name of a noble lord (Grenville), signed to a Protest in 1808, had been cut off; and as the noble lord was anxious that his sentiments contained in the protest should go down to posterity, he therefore moved that Lord Grenville have leave to sign his name to the above protest:—Ordered.

The Earl of Liverpool called the attention of the House to the circumstance of some noble lords having signed a protest some nights since, against the Resolutions agreed to by the House, who were not present on the Report, and therefore were not entitled to sign the Protest, being against the decision of the House, and not against the decision of the Committee, and suggested that when the Lords to whom he alluded, were in the House, they should be called on to state whether they were present on the Report or not.

The Duke of Clarence agreed in the point of regularity suggested by the noble earl, and supposed that if the fact was as stated, that the lords who had thus signed the

Protest had done it merely from not being aware at the time of the rule of the House.

After waiting some time, the Earl of Liverpool came in, and said he was sorry their lordships had been kept waiting, but he would take care there should be no delay in the printing of the papers.

The House immediately adjourned to the following day.

HOUSE OF COMMONS.

THURSDAY, JANUARY 3.

ISSUE OF MONEY.

The Chancellor of the Exchequer said, that a difficulty had arisen under the existing circumstances, with respect to the issue of sums of money from the Exchequer, for the service of the Army and the Navy; and here he wished the House to bear in mind, that the sums required to be issued had been distinctly and specifically appropriated to those services by that House; but as a difficulty had occurred between the departments of the Treasury and Exchequer, he had felt it his duty to bring it before Parliament, and to ask of that House the authority of a resolution to obviate the difficulty. Here he was anxious to be distinctly understood, that in any thing he then said or might hereafter say upon this subject, it was far from his intention to fling any blame upon those who, in the conscientious sense of what was their duty, differed from him and the Treasury, however much he lamented that they did not see the matter in the light in which it presented itself to him. In the present stage he thought that it was unnecessary and unfair to enter into any discussion, or indeed, even statement of the circumstance, until the House should be in possession of the facts themselves; and he hoped that the period that would intervene between that time and to-morrow, would be sufficient to furnish the House with those facts. He should, therefore, now move for the production of the papers which he held in his hand, and that those papers be printed; this he believed could be done within a few hours, and he should then refer those papers to the consideration of a Committee of the whole House to-morrow. He begged the House to understand, that although he had intended to apply to that House, it was not in order to obtain a previous indemnity,

but rather to have their subsequent opinion with respect to the authority which the servants of the Crown had attempted to execute. He then moved, "That there be laid before the House, a copy of a warrant from the Lords Commissioners of his Majesty's Treasury, directed to the Auditor of the Exchequer, and dated the 31st of December last, together with copies of the correspondence which has taken place between the Treasurer and the Auditor of the Exchequer, upon the subject of the said warrant." Here Mr. Perceval said, that if there should be any objection as to the formality of his motion, and that notice should be required, he should move it for that day, and give notice of the motion for to-morrow. *(No, no, from the Opposition.)* He moved it accordingly, and the question being put—

Mr. Ponsonby said, that the right honourable gentleman had fallen into a great misapprehension if he thought that any objection would be made to his motion by those at that side of the House merely because of want of notice. He thought the motion to be of that pressing nature which necessarily exempted it from strict compliance with the ordinary forms of the House—the right honourable gentleman intended to move also, that those papers should be printed; that right honourable gentleman must be aware how impossible it was for him (Mr. Ponsonby) to know how far those papers contained adequate information to enable the House to judge of the whole merits of the case. He hoped, however, that every paper necessary to be had, was comprehended in the present motion. Since the difficulty had come upon them, he wished they had been better prepared for meeting it; and he could not help thinking, that it would have been better if the right honourable gentleman had at an earlier period applied to the officers of the Exchequer for the purpose of ascertaining what would be their conduct in a case of such emergency; for surely it was not provident to wait the chance of any impediment in the way of the public service, and to defer the discussion that must take place upon it till the very moment the money was actually wanted—a difficulty now stood in the way of the public service, and it could not be met and obviated too soon, for the wants of the Army and Navy called for immediate attention. It had been stated by the right honourable gentleman, at the time, that he was persuading the House to adjournments from fortnight to fortnight, that no inconvenience could possibly result to the public business from

such delays—serious inconvenience had, however, notwithstanding that prediction occurred, and was likely still to occur. He again expressed his regret that the right honourable gentleman had not commenced earlier, so as that House might not appear to act from the mere spur of the occasion, without being enabled to give to the subject the deliberation its importance required.

Mr. Tierney, after complimenting the candour and temper with which the right honourable gentleman had made his statement, asked if the House was to understand, that the correspondence moved for was all that could be necessary to a right understanding of the subject? He wished to know, if in that correspondence would appear all the difficulties that had impeded the issue of the public money? Was the whole difficulty complained of confined to the issue of monies? and if it was, was there no other mode left than that of applying to the House? He thought, that if there were other difficulties not contained in the correspondence ordered, it would be expedient that the House should have a more formal intimation of them.

The Chancellor of the Exchequer said, that he felt thankful for the forbearance of the gentlemen opposite in the present stage of the business, and that all he had now to say, in answer to the questions put to him, was, that in the first place, with respect to the delay, he was not afraid of being able to satisfy the House upon that head, when the whole question came before them; and that as to the *full* extent of the difficulties experienced by the Treasury, he did not know that he could answer that question in a word, but he would endeavour to do so in a few words. He was not aware that any inconvenience had resulted to the public service as yet, but he should explain all the circumstances to the House respecting the nature of those difficulties. The Exchequer act, under which monies for the public service were issued, required that the issues of all monies should be either under the Great Seal, the Privy Seal, or by act of Parliament. He acknowledged that it appeared to him upon the face of the act itself, that a warrant from the Treasury to the Exchequer would have been sufficient, and it was his original intention to have taken this course; at the same time he accompanied this avowal with the opinion of the Attorney and Solicitor General, who, from the construction of the act, doubted whether such warrant would have been

strictly legal. He thought, however, that the practice of the Exchequer had been against that interpretation. With respect to the issue under the Great Seal, there had been no instance of monies being issued under the Great Seal for services of that kind, as the money issued under the Great Seal was generally, if not always, for civil purposes; of the two remaining modes—by act of Parliament, or the Privy Seal. He, of course, preferred the way by Privy Seal, on account of two advantages which it possessed peculiarly, that of the Lord Keeper being alone responsible, (as he, Mr. Perceval and his colleagues in office, had been most anxious to take upon themselves all the responsibility of such acts), and also the advantage of being in itself a legal order when presented to the Exchequer, though the person who affixed it to that order might be hanged for doing so. But it so happened, that, however willing the Lord Keeper was to sign the order, it would by the act be inefficient, without the attestation of the Clerk of the Privy Seal (Mr. Larpent), as without his signature, the Exchequer might reply, that as the instrument did not come to them with all the customary formalities annexed, they might not be justified in obeying it; not only, however, was the Clerk of the Privy Seal indisposed to sign it, but he had even thought that by virtue of the oath he had taken, he had no right to sign it. In a case of this kind, arising from the scruples of a conscientious man, a Resolution of that House could have no effect, and nothing less than an Act of Parliament, *pro tanto*, would be sufficient. As to a formal document, he should endeavour to procure it in a letter from Mr. Larpent to the Treasury, expressive of his scruples.

Mr. Tierney said, that from what he had heard, he had supposed it to be understood that the intention of the right honourable gentleman to proceed by an order under the Privy Seal had been impeded only by the scruples of the Clerk to the Privy Seal.

Mr. Scrope Bernard asked why the Chancellor of the Exchequer had not, in the instant in which the difficulty occurred, applied to both Houses of Parliament?

Mr. Perceval referred the honourable gentleman to the discussion which was to take place to-morrow, for a satisfactory answer on this head; at present an answer would be an anticipation of what he thought ought not to be entered into before the facts were before the House.

Lord Temple thought it a matter of such moment to avoid delay, that he doubted the propriety of ordering the papers to be printed.

The motion being then agreed to,

Lord Burghersh brought up the papers moved for, which were ordered to be printed.—Adjourned.

HOUSE OF LORDS.

FRIDAY, JANUARY 4.

ISSUE OF MONEY.

Earl Spencer, alluding to the papers moved for yesterday by the Earl of Liverpool, observed that the nature of the proceeding to be proposed had not been explained; but he had heard it reported that the House was to meet to-morrow for the purpose of considering it. He put it, therefore, to the noble earl, whether it would not be a matter of convenience to the House to explain the nature of the proceeding which it was intended to propose.

The Earl of Liverpool said, that a question had arisen respecting the issue of money under the present circumstances, for the public service, and it was possible that they might receive a communication upon the subject to-morrow from another quarter. If that, however, should not be the case, it was intended to propose a resolution authorizing the issue of the money to supply the exigencies of the public service.

STATE OF THE NATION—REGENCY.

The Order of the Day being read, the House resolved itself into a Committee on the State of the Nation. The Resolutions communicated from the Commons were read by the Clerk.

The Earl of Liverpool.—My Lords, before I proceed to the discussion of the Resolutions which have been just read, I think it necessary to notice an argument which has been used—imputing to those who support the course proposed by Restriction a want of delicacy, and a conduct disrespectful towards the Prince of Wales. I bear towards that illustrious Personage as much respect as any of your lordships, and must contend that the fair and constitutional way of arguing this question is to reason upon those great public

principles, which so strongly apply to it, without reference to the individual. All of us are agreed that the Prince of Wales is the person in whom the exercise of the Royal Authority, during the present melancholy exigency, ought to be vested; but as, in arguing any question respecting the Prerogatives of the Crown, the personal disposition of him who then wears the Crown can have no reference to the argument, equally so in the present case all considerations personal to the individual whom it is proposed to appoint Regent, ought to be kept out of the discussion. The grand maxim of our Constitution, and which is essential to the Monarchy, is, that the King can do no wrong; but the King may be influenced by those who advise him, and who are responsible for their advice. Upon the same principle of the Constitution, I contend with respect to the Regent, whoever he may be, invested with the exercise of the Royal Authority, that he can do no wrong, but he may be influenced by advisers. We must, therefore, I contend, consider this question in a similar point of view to a question respecting the Prerogatives of the Crown, and as, in the latter case, without any personal reference to him who wears the Crown, so in the former, without any argument directed personally towards him whom it is proposed to appoint Regent. With reference to the object of the Resolutions now before the House, on looking at all the precedents which at all bear upon the question, and consulting the history of the country, I can find no instance of a Regency without restrictions, except in two cases, which were clear usurpations. The great principle upon which our ancestors appear to have acted in this respect, and which appear to me to be the great principle upon which this question rests, was the distinction between the permanent possession of the rights of the Crown, and the temporary exercise of the Royal Authority. A distinction founded upon this assumption, that it was the interest of the King, in whom was permanently vested the rights of the Crown (vested undoubtedly as a trust for the benefit of the people), to preserve and to maintain those rights unimpaired and without abuse—but that it might become the interest of the Regent, from the very nature of the temporary duration of his power, to abuse the prerogatives with which he was entrusted, and thus to encumber the exercise, or impede the restoration of the power and rights of the Crown, on the resumption of the Royal Authority by the Sovereign. Upon this broad line of dis-

tinction between the permanent investiture of the rights of the Crown and the temporary exercise of the Royal Authority, appear to have been founded those Restrictions which have accompanied all Regencies. I do not, however, mean to assert, that there is no instance of a Regency in which the entire power of the Crown was not granted; but, in a case which has been alluded to, the act of the 1st of Philip and Mary, although the entire power of the Crown was granted to Philip, as Regent, in the event of the death of the Queen leaving an infant heir, yet I do not believe that the right of conferring peerages was conveyed, or was intended to be conveyed, by that act. In the Regency Acts of the 24th Geo. II. and the 5th of his present Majesty, I admit that the power of conferring peerages was granted; but there was established in each instance a Council of Controul to the Regent. It must of course be decided according to the varying circumstances of the times in every instance, whether it is most expedient to restrain the Regent by means of a Council of Controul, or to invest him with the entire power of the Crown, subject to certain Restrictions in the exercise of it. In the case of a minority which might last five, ten, or fifteen years, it might be more expedient to restrain the Regent by means of a Council of Controul, conferring the full power of the Crown, than to restrict him specifically in the exercise of that power. In the case of a Regency likely to last only a short time, during the temporary incapacity of the Crown, it has been deemed more advisable specifically, but partially, to restrict the Regent in the exercise of the Royal Authority. The principles upon which this system have been adopted, have been these, that with respect to making war and peace, the entering into treaties, and other matters of great political importance, the Regent should be unrestricted, Parliament having in itself the means of prompt and sufficient controul to prevent any danger to the interests of the country, but that, in those prerogatives of the Crown, the exercise of which is irrevocable, and when once done cannot be recalled, and which also are for a limited time not essential to the exercise of the Royal Authority, there the Regent should be restrained. Upon these principles were founded the precedent of 1788; a proceeding formed by great men, against whom much unmerited calumny has of late been directed, but a great part of whose fame and estimation in the country arose out of their conduct in that proceeding, and which subsequently received the entire ap-

probation of the Throne. I admit that there is a difference in the circumstances of the country now and in 1788, but at the same time we have now not only a hope, but a confident expectation of his Majesty's recovery. I admit that there are other circumstances which it is unnecessary now to go into, that also make a difference between the present period and 1788; but these circumstances do not affect the principle upon which we ought to act in constituting a Regency, however they may limit the application of it. The time proposed in 1788, during which the Restrictions should continue, was three years—it was now proposed to continue them only for a twelvemonth, before the expiration of which Parliament will have been sitting about six weeks, when they will be enabled to consider whether any further provision is necessary to be made, the great object now being to provide for the temporary exercise of the Royal Authority, and that there may be no impediment to the full resumption by the King, upon his recovery, of the Authority of the Crown. It is, therefore, upon these principles that the three first Resolutions are founded. On the fourth Resolution, for taking care of the personal property of the King, it is not necessary for me to say any thing, no objection having been made to it. The fifth Resolution, relative to the custody of the Royal Person, and to the Royal Household, is, I confess, not satisfactory to me in the shape in which it has been sent up from the Commons. Nothing can be more erroneous than the supposition, that the State Offices of the Household are unconnected with the domestic comforts of his Majesty. The fact is, that there is not a menial servant in the Palace, not any person who in any way administers to the domestic comforts of his Majesty, who is not appointed by one of the Great Officers of the Household. Would your lordships, then, in the hour of his affliction, destroy the domestic establishment of the Monarch, so that when he recovers he may find himself a stranger in his family? All that is asked, is to leave the Household as it is for a limited time. I am aware that in former cases the custody of the person remained with the Regent; but in 1788 it was thought most advisable to separate the custody of the Person from the Regency, which precedent it is now also deemed advisable to follow. Some difficulty occurred respecting the arrangement relative to the Household in 1788, and the same difficulty still exists. We have, I admit, only a choice of difficulties, and to make any arrangement upon the subject

would require a most complicated measure. If his Majesty should unfortunately not recover within a certain time, some measure will of course become necessary, upon this subject. All I ask upon the present occasion is, that the disposition of the Household, together with the custody of the Royal Person, should be allowed for a limited time to remain with the Queen. The time I propose is twelve months; and to obviate any possible objection that may be raised, upon the supposition of any influence arising out of such an arrangement, hostile to the formation of a strong and effective Executive Government, which it is my wish should be established, I am willing to agree that the Great Officers of the Household shall not, during the time I have mentioned, be removed. I trust it will not be imputed to the Queen, that she would improperly use any influence arising out of such an arrangement. I am sure that she, in common with all your lordships and the country, would most sincerely rejoice at the recovery of his Majesty, and his restoration to the full exercise of his authority. It is my intention, therefore, to propose an amendment in the fifth Resolution, similar to what I have stated. Should his Majesty unfortunately not recover, it will then be for Parliament to consider the measure which may be ultimately necessary to make such an arrangement as may be conducive to the domestic comfort of his Majesty, and at the same time surround him with a dignity in his affliction which his situation demands, and which will be most grateful to the feelings of the country. At present only a temporary arrangement is asked for, and I am sure your lordships will feel that something is due to the feelings of his Majesty, who, during a reign of a duration longer than almost any other, has invariably displayed the most unremitting attention to the comforts and happiness of his people, and who has been ever ready to make the greatest sacrifices, when they could in any way conduce to the interests or the welfare of the country.

The first Resolution having been read,

The Earl of Carlisle rose to oppose the Resolution. The only case to which the noble mover had alluded in the course of his speech, was the Regency of the Duke of York, in the time of Henry VI. and then, it was to be observed, that though the Royal power was handed over to the Duke and a Council, yet that power was delivered over entire, and without any restrictions. The Parliament of that day

never thought of saying to the Executive, "You shall not make peace, nor confer offices for life:" neither did the Ministers procrastinate and delay the re-establishment of the government, nor take it into their own hands, on the incapacity of the King, and tell the people, "You ought to be satisfied, for we are all responsible men." As to the precedent of 1788, it was incomplete; it never was acted upon, and indeed never received the final sanction of their lordships. The noble lord had disclaimed all disrespect for the Prince of Wales. It was true that in words there was none; but if their lordships looked at the course of action proposed, they would find that it displayed nothing but jealousy and distrust. The power of a Regent was at all times weak enough; but it was the abominable system of administration to make that still weaker which was weak in itself. He must altogether protest against the three first resolutions.

The Marquis of Lansdowne.—My lords, I regret that I have been the means of preventing your lordships from hearing the observations of the noble viscount: but after this intention expressed by the noble earl (Liverpool), of moving an amendment in the fifth Resolution, the effect of which must be to erect a new authority in the state, an authority unknown to the Law and the Constitution, and unsanctioned by any constitutional principle or usage, I felt it my duty to press upon your lordships attention, and urge to the adoption of an amendment in the first Resolution, for the purpose of stopping *in limine* the proceeding now proposed, and recalling ourselves from that track which we are now pursuing, and which is so pregnant with danger to the Constitution, and with danger to the best interests of the country. The noble earl has gravely talked about separating the prerogatives from the duties of the Crown, as if the prerogatives of the Crown were not necessary to the performance of its duties. The prerogatives of the Crown are vested as a trust for the benefit of the people; and yet the noble earl would take away from the Regent a part of those prerogatives, and leave him without the means of exercising the trust reposed in him for the welfare and happiness of the country. If there were any prerogatives of the Crown that could not be exercised beneficially for the people, they would be useless, and therefore mischievous. Our ancestors were employed in limiting and curtailing the prerogatives of the Crown, in order that none that were useless might be

retained, and that only those that were useful to the people might remain vested in the Monarch; and are we now to be told, when only the prerogatives of the Crown that could be useful to the people were suffered to remain, that these prerogatives can be suspended without injury to the country? You propose to give the Regent all the arduous duties of Royalty to perform, and to withhold from him all the means of calling forth, by the aid of rewards, those talents and those exertions which may be of service to the country, and thus materially assist him in the performance of his duties—you would deprive him of the power of rewarding oppressed merit, or calling forth the energies of latent genius—you would give him the power of punishing, but not of rewarding—you would invest him with all that is harsh and severe in the exercise of the Royal authority, but deprive him of all that is mild and beneficent. Amidst rocks and billows you would render useless the rudder that ought to guide the vessel to port—you place the Regent in a situation in which the country must naturally expect from him protection, and yet you withhold from him the means of affording that protection—you call upon him to ascend the pedestal, and then cut away the ground on which the pedestal rests for support. But will your lordships take advantage of the sleep of the Constitution to declare yourselves independent of the Crown? The great excellence of our Constitution consists in the play of the respective parts, in the reciprocity and controul of the three branches of the Legislature. The Crown can controul the House of Commons by dissolving it—It cannot dissolve this House, but it has the power of controuling it by creating Peers—yet by adopting this Resolution, we should declare ourselves independent of that salutary controul, and destroy the balance of the Constitution. The exception which is introduced into the Resolution is still more objectionable. Can any thing be more contrary to the spirit and principles of the Constitution than that repeated discussions should take place in Parliament with all those minute shades of difference which would arise as to what achievements were sufficiently splendid to entitle those who had achieved them to be created Peers under this Resolution?—There were some indeed who came with the scroll of their archives in their hands, which nobody could dispute, as a noble lord now in the House might have come with his claim, that he had conquered Egypt, and which must have been immediately admitted,

or another that he had brought an enemy's fleet captive into the ports of Britain; but these transcendent achievements we cannot often expect. The greater part of the successes, the propriety of rewarding which, by conferring the peerage, Parliament would have to discuss, would be of a character varying between the highest point of transcendent achievement and the lowest scale of success, and from this circumstance endless discussions would arise—discussions which would inflict the deepest wound upon the Constitution. The inconsistency of the arguments relative to the Royal Household must be apparent:—no danger is to arise from the Regent having the command of the Army—no danger from his having the controul of the Navy—his having the controul of the revenue, large as it is at present, is not to render him an object of suspicion or distrust, but his being suffered to interfere with the arrangement of the Household is to be pregnant with the most dangerous consequences. We have heard of a person of great name in antiquity, who could command armies and gain victories, and rule a country, but who could not manage his own household. One would suppose this had been applied in the present instance. Is it to be imagined or listened to for a moment, that the King, upon his recovery, would not be affected by any consideration arising out of the interests of the country, but that his feelings would only be wounded by a change being made in the officers of the Household, and whom he could restore with scarcely the lapse of a single day? And yet the noble earl calls upon us to erect a new authority in the State, to establish a body of persons with powers of which the Constitution knows nothing, and to deprive the Regent of all the splendour of the Crown. The noble earl has referred to the precedent of 1789—but under what different circumstances are we now placed? And yet under circumstances totally dissimilar, the noble earl calls upon the House to adopt in 1811 the precedent of 1789. In 1789 the seeds were scarcely sown from whence were developed the French Revolution and all the evils which have followed that event, nor had those waters of bitterness begun to flow, which have since swelled into a torrent, and overwhelmed the monarchies and establishments of Europe. The only barrier that has withstood the torrent has been this Constitution; and yet this Constitution we are now called upon, by the measure before us, to weaken and impair, although with the knowledge, that by enfeebling the constitutions of the Monarchies of

Europe, they have been rendered unable to withstand the torrent that pressed against them. I, therefore, my lords, feel it my duty to propose an amendment, with a view of getting rid of the restrictions in the first three Resolutions. To the Resolution respecting the personal property of his Majesty, there can be no objection. With respect to the Household, I have no doubt if the restrictions are negatived, that we shall unanimously come to a determination to make an arrangement that will secure his Majesty's domestic comfort, that will surround with that dignity, in his affliction, to which he is entitled, a Monarch who, as the noble earl has justly said, has constantly displayed an unremitting attention to the interests and welfare of his people. His lordship concluded by moving an amendment to leave out the words respecting the restrictions.

Lord Sidmouth stated, that he was desirous of expressing by something more than a silent vote, when so momentous a subject as the present came under the consideration of their lordships, the opinion which he had been able to form upon it. It was necessary, he contended, that in the discussion of this question, the feelings of attachment to his Majesty should have their due weight with their lordships; and he could not conceive why his Majesty's Ministers had been blamed for introducing personal considerations for his Majesty into the discussion. It was impossible to lay aside such feelings. Those sympathies which the situation of our Sovereign calls forth, would be their lordships best aids in determining their judgments on the present occasion.

He said that it was not necessary in a case like the present to recur to the principles of our Constitution in particular; because in every country possessed of any Constitution, where a deficiency of such a nature occurs not provided for by the laws of that constitution, the right devolves upon the the country of providing for the emergency. In this country, the right to supply the deficiency therefore necessarily devolved upon the three estates of the Realm, namely, by the Lords and Commons. As soon as the fact of the deficiency was announced to their lordships in the beginning of November, it was in their power to supply it; but the possession of right and the exercise of that right were very justly by their lordships considered as by no means synonimous. They delayed from day to day, and from week to week, through motives of delicacy to their Sovereign, and from a wish to avoid putting on their journals the melancholy fact of his incapacity. In doing so they acted wisely

and prudently, availing themselves of the discretionary power with which they were entrusted.

By the Report of the Committee appointed to examine the Physicians, the melancholy fact of the King's incapacity is established. At the same time the strong presumption which ought to be entertained of his Majesty's recovery is entitled to the same credit, as it rests upon the same authority, namely, the Report of that Committee. They had now much stronger grounds for expecting a recovery, on the present occasion, than they could have had in 1788; compare the Reports of 1788 and the present—the Physicians are much more confident now than they were at the former period. The age and infirmities of the Sovereign have been frequently brought forward as a reason against the probability of his recovery; but their lordships would find, that no stress is laid on these circumstances by his Majesty's Physicians. In 1788 and 1789 his incapacity could be traced to no known cause; but at present all the Physicians concur in attributing it to the suspense and agitation of mind during his daughter's illness. This circumstance is considered by the Physicians to be extremely favourable. It belongs to affection to suffer violently on account of suspense.

Their lordships had two principles to bear in mind. The first is, that the King at present exists in his political capacity.—The other principle to which he wished to call their attention, was, that they possessed no power but what was possessed from necessity; and this necessarily limits and controuls them in the exercise of that power (*Hear! from the Opposition.*) I desire, said his lordship, to be heard. It had been contended that the full exercise of the prerogative was necessary to carry on the office of Regent; that it was necessary to transfer the whole power from the King to the Regent. Can it be contended, that the whole of this power is indispensably necessary? Can it be contended, that on account of the poverty of the influence of the Crown, the whole power should be possessed by the Regent? It has been said that the nation, without the full and complete exercise of the prerogative, would not have been able to survive the French Revolution. Can it be said, that all the energies of this country are unavailing without the exercise of the right of creating peers? Does not the Regent possess the patronage of the Church? Does he not possess the patronage of the Army and Navy? Does he not possess the patronage of the revenue? He was astonished to hear those

who were accustomed to exclaim most strenuously against the excessive influence of that patronage, hold the language they made use of at present. The influence of the Crown was certainly very different now from what it was in 1788. Then the army did not amount to 20,000, now it amounted to 300,000—then the navy did not exceed 50,000, now it exceeded 100,000—then the revenue was not more than 20 millions, now it was near 70 millions. Was he to be told, with such means of influence, the power of the Regent was still inefficient without the power of creating peers? He contended that the very existence of temporary authority was in itself an incentive to abuse—it afforded a much greater probability of abuse than the other species of authority. Under that impression he should think he betrayed his duty if he consented to betray the Royal authority—if he consented to an abuse of that authority. With respect to what had been asked by a noble friend, can it be an object to his Majesty who are appointed to the offices of the Household during his incapacity? (for during his incapacity he must be unconscious of the persons who fill them; and on his recovery if they displease him, they may be removed). That noble friend did not advert to this, that there is an incipient state of recovery, an intermediate state, between perfect recovery and his former condition; and during this intermediate state any change in the establishment of his Household might have the most prejudicial effect upon his mind.

With regard to the present Ministers he thought that they had been treated upon the present occasion with an unwarrantable degree of asperity. He was not defending his Majesty's Ministers; but he would do justice to them as well as to any other persons in their situation. He would not enter into a discussion of their former conduct; but he contended that on the present occasion they had no other course to pursue. After the proceedings in 1788 and 1789, sanctioned by the approbation of his Majesty, and sanctioned by the applauding voice of the whole country, they would have been the most presumptuous men in the nation if they had acted otherwise than they have done. He was happy to have on this subject the opinion of one of his noble friends, in confirmation, contained in one of the most valuable records which the press of this country has preserved to us, pregnant with the strongest and most useful reasonings. From all these considerations, his lordship was inclined to vote in favour of the Resolutions.

Lord Erskine.—I confess that I entertain very different sentiments on the present question, from my noble friend who has just sat down. The first duty of the two Houses of Parliament, was to ascertain the incapacity of the Sovereign; and after establishing that incapacity, I cannot see what benefit could result from their still pausing, from their still refusing to act. My noble friend, however, has stated, that even after the incapacity was communicated to us, there was wisdom in still refusing to act. I will ask my noble friend what benefit could have accrued to his Majesty by the delay which has taken place, had it pleased God to bring about his recovery; and I most earnestly hope that that recovery will yet take place. On that recovery he would regain his authority. He has the highest of all securities for his return to power; he has the high authority of Parliament. Is not this House, my lords, and is not the other House the most complete security, by whom his incapacity and capacity may be regulated? Who can say within these walls, that it is necessary to put restrictions on the Sovereign authority to secure a return of that authority to his Majesty? Is this the motive with any man in this House, with any noble lord, to decide on abridging the prerogatives of the Crown? It would be an insult to the House to suppose so. Upon the King's incapacity it is the duty of both Houses to supply the Royal authority in its full extent. The authority necessarily descends from the King to the Regent full and unimpaired. Had our ancestors considered any part of the prerogative as excessive at the Revolution, when the Sovereignty was abdicated, they would then have proceeded to abridge it. They did not, however, abridge it. But on the present occasion, we have no power to make any such abridgment; we are merely called upon to ascertain the deficiency, and to see that it be properly supplied.

I ask you who are now so zealous to abridge the power of the Crown, to show me that this was ever yet done in any Regency. Is there any case where, on the King's incapacity being ascertained, the prerogative was abridged? I will put another question. When a Regent has been established with a permanent Council, is there any case where that Regent and Council did not enjoy all the powers of the prerogative? A noble lord has told us, the powers of the prerogative are so immense, that the want of power to create peers cannot in any degree impede the Executive. He has enumerated to us the immense patronage of the Church, Army, Navy, and Revenue; he has told us of the number

of our land and sea forces, and the great increase of the at the disposal of government. Why does not the lord, if he conceive these powers of the Crown to be sive, come forward, and propose a Committee for th pose of inquiring into how many of these prerogatives to be abridged? Why does he not come forward, an pose that the influence of the Crown should be curta Does he propose to abridge any of the prerogatives? none of the prerogatives ought to be abridged. He argues that his Majesty's return to the Throne may b vented, by an abuse of the power of creating memb this House. Is this an argument, my lords, to be li to? Are we to be told that any abuse could prevail a the recorded attachment of this House?

No man can think of the immediate occasion of hi jesty's illness, without feeling additional attachment to him. There is not a man in the country who doe ardently pray for his recovery. But you are not, momentous an occasion as the present, to take it for gra that that recovery will be impeded by any of the ci stances which you have heard stated to you. It is greatest importance that your lordships on such an occ should act firmly as men, and upon some permanent p ple. If I believed that his Majesty upon his recovery fall back again without you were to grant these restric no man would be more willing than myself to acce them. But I believe that upon his recovery, which I is certain, nothing would be more likely to occasion a r than to see the Royal authority impaired and degraded

Motives have been imputed to his royal highnes Prince of Wales, which I am confident would neve entrance into his vast and comprehensive mind. Ce the Prince has been treated with great illiberality. reasons which we have heard urged are such as we c entertain, without throwing disgrace on the Regent degrading him in the eyes of the nation.

The *Lord Chancellor* stated, that he would be the mo sumptuous of mankind, holding the commission wh held, if he had not followed the precedent of 1788. period, it was true, there were great men, now no mor both supported and opposed the measures then propos for one at that period had an opinion, which he w ashamed now not to retract, that there ought to be no thing as a Regent on general principles. The Consti

since the Revolution has seen nothing like a Regency without restrictions. The question of this night, therefore, would be, not whether there ought not to be restrictions, but whether expediency calls for such restrictions at present. He then adverted to the acts 24 Geo. II, and 5 Geo. III. He said, that the act 24 Geo. II. was not like the act of Queen Anne, nor like the act of William and Mary; that in this he was confirmed by the opinion of my lord Hardwicke, my lord Mansfield, and other great men; and that a state of Regent was unknown to the common law of the land. Lord Thurlow, sitting on the woolsack, said truly, that there was no such thing as Regent known by the common law of the realm, and that it was merely the creation of statute.

Those with whom he had acted, at the period to which he had before referred, must surely be changed in principle, and in their habits of thinking, who were now prepared to deny that limitations on the authority of a Regent could be constitutionally imposed. The particular shape in which they were offered at present might differ from that of 1789; but that it was competent to Parliament to make such restrictions, was a point of so distinct and prominent a nature as to render it impossible that any material alteration could have taken place in the opinions of those who so decisively recognised and approved it at the former period. How was that precedent supported? The 6th of Anne had provided, that Lords Justices should govern the realm, during a certain interim; but it had certainly never been in the contemplation of Parliament that they should exercise in any latitude the functions of Sovereignty. So little of the Royal character were they entitled to assume, that it was enacted by one of the clauses of the Bill, that the penalties of high treason should be annexed to certain specific acts from which they were debarred. So much for that precedent on which so much stress had been laid. If the House looked to the cases of the Protectors, they would find no instances of an unrestricted Regent. Nothing like the full and entire possession of the Regal office had ever been entrusted to any person acting only in the name and on behalf of the reigning Monarch. The act of Philip and Mary vesting the Regency in Philip, enacted that he should hold the government on the demise of the Queen, during the minority of her heir. He was therefore merely intended to be Regent, and to exercise the Royal prerogatives, not for himself or at his own discre-

tion, but on account of the Prince, of whose minority he was the guardian. All the precedents since the Revolution further concurred to strengthen him in the conviction, that as a peer of Parliament, and consistently with the allegiance which he owed his Sovereign, he was justified in voting for these restrictions, which appeared to him expedient to be provided. It was far from his views and principles to forget or overlook the importance that belonged to the prerogatives of the Crown. "I am," said the noble and learned lord," the subject of a Monarch limited by the laws, and by my seat in this House am qualified to discuss the propriety of imposing limits on any temporary trust of the powers of the Executive." Where a Regent owed his appointment to the two Houses, it was impossible to entertain a doubt that the two Houses could measure and limit the authority which emanated only from themselves. He needed not to say any thing of the practical difficulties that existed; there was not a man among their lordships who could fail to appreciate them justly, there was not an English heart in the country that could fail to do it, nor utter its sympathies in their melancholy cause. A noble lord had compared the unhappy situation of his Majesty to that of a subject suffering under a similar severity of affliction; and he (Lord Eldon) would venture to say, that should the Amendment proposed that night be carried, his Majesty would be deprived of the consolations common and attainable to the meanest of his subjects. (*Hear, hear!*) "It is," said Lord Eldon, "the pure and current doctrine of our history and Constitution, that the politic eye of the Sovereign cannot see the frailties and infirmities of the mental man. And if the recovery of his Majesty's health be the object of an anxious and a wise solicitude, how does it behove us to guard against any decision which may infringe the united obligations of public principle and private feeling?" There might be men who, in the rigidness of abstracted doctrine, or in the breadth and universality of their philanthropy, were capable of forgetting the personal feelings of the Monarch, in the discussion of his interests. Noble lords had boasted that they considered the Prince of Wales without reference to the individual; and although this might be fine in principle, it was a species of political philosophy which, practically understood, he did not envy them. Adverting to the subject of the Household, it ought to be borne in mind, that the officers were never appointed by his Majesty, and of course not

dependent on him. Scarcely a menial servant owed his situation to the King; he might say that his Majesty did not receive a clean shirt from any person selected by himself. Supposing the case of an interruption of the Kingly authority for six weeks, as it might be of four or of two, would any necessity be asserted of supplying the exercise of all the prerogatives of the Crown? Would it be said, that for this period any danger or inconvenience could arise from permitting them to be dormant or inactive? And if no such danger could be apprehended, was the definite extension of so short a period the legitimate source of alarm? A noble lord, whom he did not then see in his place, had thought the precedent of 1788 inapplicable; were that noble lord present, he would ask him to what precedent he would look, in the case of the Regent's death? (*Hear, hear!*) Was not this a possible case, and one proper to engage their lordships attention? Looking to such consequences, he must refer to the provision made at the more recent periods of our history, to the 24th Geo. II. and the 5th Geo. III. What if their lordships had begun to act in 1789, as it was then recommended by the noble lords on the other side, and had surrendered to a Regent the unfettered exercise of all the Royal prerogatives! Yet, at that period, the most sanguine of his Majesty's advisers did not entertain hopes of his recovery, nearly so confident as they were now authorized to indulge. Had they so alienated the appropriate functions of their Monarch, he was bold enough to say, that the resumption of his Royal Authority must have been impeded. It was now no longer said, that the powers of the Crown were too great, that its influence had too extensively increased, sentiments with which he unquestionably had never accorded; but on the contrary a new position seemed to be taken, namely, that the authority of the Regent could not be left too unlimited. He would simply ask, whether it was fitting that all the cautions taken, and all the barriers established in 1788, ought now to be neglected and overlooked, and a new system of arrangement, founded on principles subversive of the former, introduced? And this at a period, when the restoration of the King's health was an event more within the scope of probability than before. He wished that noble lords would take into their conscientious consideration the reflections which these topics suggested; he had endeavoured to impress them with all the energy which he possessed, and was satisfied at least

with discharging what he felt to be a most solemn and important duty.

Earl Spencer declared his sense of the magnitude of the question on which the House was called to decide, but could not be of opinion that the bias of personal feelings was at all necessary to enable them to come to a proper determination. He disliked the argument founded on their previous adjournments—for he had opposed that delay which was thus used as operating in favour of continued protraction. He trusted that he was not less sensible than others of the sufferings which all classes united to deplore, and that the expression of opinion in that House would never be so far perverted as to justify insinuations against any noble lord's humanity. He could not help regarding the speech of the noble and learned lord, as built entirely on a fallacy that accompanied and pervaded every branch of his argument.—That noble and learned lord had argued from the Regency Acts of Geo. II. and Geo. III. that no Regent had ever existed in the eye of the law, without restrictions. He (Lord Eldon) seemed to be forgetful of the distinction between a prospective limitation of powers to be entrusted, and a limitation on the *actual* exercise of authority. He had also studiously abstained from any attempt to shew that the power of creating peers had not always existed since the Revolution, however that power might have been vested. It was true that Councils had been appointed, but in all those cases there had been no restrictions, and the permanency of the Sovereign power was unimpaired. He (Lord Spencer) was one of those who thought, however rash and unfounded the opinion might appear, that many sinecures and pensions might be withdrawn from the Royal patronage with advantage, when the King was seated on his throne, which ought not to be taken from the Regent holding only a temporary authority. He would attack the Royal prerogatives in their vigour, not in their weakness and suspension. Last of all, would he attempt to injure the noblest of them all, the highest and brightest ornament of Sovereignty, whose lustre he hoped would never be tarnished by any interruptions or temporary difficulties. It was a point on which he was not delivering a sudden or premature opinion; he had thought deeply on the question in 1788-9, and subsequent consideration had served to confirm his adherence to those opinions of which he had felt himself called on unexpectedly to renew the expression.

A question arose here about order, which occupied a considerable portion of time, but which we understood to be finally determined by the Chairman, Lord Walsingham, upon which Lord Selkirk rose, but delivered his sentiments in so low a tone of voice, as to be quite inaudible below the bar. He opposed the restrictions.

Lord Clancarty spoke on the other side.

The Duke of Norfolk, in a short speech, contended that the officers of the Household should be regarded in a political view. It was well known that they were removable by Ministers, and perfectly dependent on their will.

Lord Holland said, after all that had fallen from many of their lordships upon the subject of their respective feelings and sympathies for his Majesty's sufferings, he trusted he might be allowed to lay claim to as large a share in the general concern for the King's illness and the general anxiety for his recovery as any of the noble lords opposite could reasonably pretend to. He agreed with the noble earl who brought forward the Resolutions, that the two principal objects for which they were to provide were, first, the general and paramount provision, that the public weal should receive no injury; and, secondly, that all necessary measures should be resorted to for the purpose of securing to the King, upon his recovery, the unobstructed resumption of his Royal functions. To those two points he was willing to refer all the observations he had to make; and in doing so, he could have wished that the noble and learned lord on the woolsack had been contented with that or some such order. The learned lord, however, had not excited any expectation which the tenour of his speech had disappointed. He had frankly acknowledged, that it was not his intention or wish to argue the question. He was anxious only to convey to their lordships the impressions it had made upon his feelings, and to that extent the noble and learned lord had fully succeeded; but as it would be an injustice to the acknowledged talent and acuteness of that noble lord, to suppose that he could speak long upon any subject without arguing upon it, so he (Lord Holland) admitted that the noble lord had argued, but argued in such a way as to shew that no noble lord who did not approve of each and all of the Resolutions, could vote in support of the question now before their lordships. The principle upon which he (Lord Holland) took his stand against the proposed Resolutions, was the broad

principle, that the Monarchy was not to be deprived of its constitutional prerogatives. This, as a general position, had not been disputed by the noble lords opposite: but they contend that the difference of existing circumstances may give rise to a case of justifiable exception, and on that ground the noble and learned lord approved of the restrictions, because the exercise of the Regal authority was to be but temporary—this was the very reason why he opposed the limitations. When he used the word limitations, he did not mean as operating upon the Regent, but upon the Royal authority. The Royal authority cannot be limited or restrained within narrower limits than those within which the laws have already confined, or may hereafter confine it. If there was one principle of the Constitution more clearly established than another, it was this, that the Royal authority could not be abridged or curtailed without its own consent; and no measure which had a tendency, for any period, however short, to limit that power without its own consent, should ever have his support. But he now came to the consideration of those arguments which he had heard that night from a noble viscount on the cross bench. That noble lord had pursued a train of reasoning, which appeared to him to lead to conclusions of the most pernicious tendency to all limited Monarchies, and indeed to all well-constituted governments whatever. It was said, that they had no right to make an unqualified transfer of that authority, which was the King's rightful property. What! were their lordships to be told, that the powers and authorities vested by the law in the King, for the well government of this realm, were the *property* of the King? They were not his property. The Constitution vested in him no such property; but consigned them as a *trust*, to be used by the King for the benefit of the people; and this consideration restored the question to its true and proper ground. The prerogatives of the King were a part of the rights of the people; and all encroachment upon the one, without the King's consent, did appear to him to be nothing less than an invasion of the other. The right of that House to alter or abridge that part of the people's privileges might well be questioned; but the people's right to have, at all times, the Monarchy integral and unimpaired, as the Constitution gave it, was indisputable. Their lordships had passed a Resolution assuming and asserting the right of

both Houses to supply the defect in the personal exercise of the Royal authority. He thought at the time that Resolution inexpedient, if not unwise—and now what had been the result?—After their bold avowal of that right, they had timorously receded from the full exercise of it—they had reasoned for the undoubted right, and that in its fullest exercise, and then, by a gross *non sequitur*, conclude that the greater the certainty and the latitude of the right, the more cautious and confined should be their exercise of it. The high tone in which it was asserted, is immediately lowered when they come to act upon it; and then they confess, as it were, by the measures they pursue, that they can do no more than deal out some pitiful remnant of the prerogative—some contemptible shreds and patches with which they would invest the officer whom they profess to enable to restore the Government. He would not now revive the question of right, or stop to consider what sort of practical commentary the proceedings of both Houses made upon the right they had assumed; but of this he was clear, that there existed one right which no man could be bold enough to dispute, and that was, the right of the people to the whole Constitution of their country.—The prerogatives of the Crown were essential parts of that Constitution, and when their lordships were proceeding for the restoration of the Executive, the people had a right to require that the Constitution be restored along with it.—The noble and learned lord had referred to the cases of Regency in the reigns of George the Ist and George the IInd. He was sorry the learned lord had not thought fit to make any reference to a preceding instance, the Regency Act of Queen Anne—the 6th of Queen Anne, which vested the Regency in certain Lords Justices on the demise of the Queen, before the arrival of the Elector of Hanover—in this instance the tenure was not only more temporary, but the time was defined and known; and yet it appeared from the words of the Act, that all power and authorities were vested to be exercised in as full and ample a manner as such were to be exercised by those who were to succeed. There might besides have been points of dissention, concerning which all were now agreed, that the Prince of Wales should be Regent, and that the Prince should be sole Regent. There was no idea, he believed, of putting the Regency in commission—suppose the Great Seal was put into commission, this would not diminish the authority of the Chancellor; but if that part of his duty

which was granted by special commission, and which related to bankruptcies, the care of lunatics, and the guardianship of wards—if the King was advised to transfer that part of his duty from the Chancellor to any other person, here there must be an essential diminution of the official power, though no injury would necessarily be done to that people's interests by such a division of the office; and in this case there would be no rights wrested from the public; but the restrictions on the Regent were an abridgment of the functions of the Crown, which functions were a part of the people's undoubted rights.—It had been said, that the Regent was unknown to the Common Law—of this he had his doubts; the instances of the Earl of Pembroke, the Dukes of Gloucester and York proved, that at least the office of *Custos Regni* was not unknown. And here he could not but advert to the character both of the restrictions and of the reasoning, by which at other times those restrictions were attempted to be supported. They certainly appeared to bear in them a republican aspect, which ought rather to deter than invite imitation. The mode of arguing that held out the Throne to a number of candidates, and seemed to say, that as in choosing a chairman, we were not bound to choose the son of a chairman, so in choosing a Regent we were not bound to choose the son of a King. This sort of reasoning, he thought, was as little void of feeling as one that had called forth the censures of those who had resorted to it. And he thought that the noble and learned lord, in speaking of the feelings with which he had been so violently agitated, and of his determination to act up to those feelings, had been rather too exclusive in his mode of laying claim to them. The noble lord could not fairly engross to himself all feeling upon a subject of such general calamity.—He (Lord Holland) had not uniformly observed that the best test of a man's grief, was the vehemence or frequency of his expression of it. He had rather found, if he might judge, at least, from his own personal experience, that the affliction which weighed upon the heart, seldom rose into any noisy testimonies of its existence—that it was at once deep and still, and that silence was the genuine eloquence of its sincerity; when he had felt most, he had been most silent. He could not, therefore, allow the noble lord to tell him that he did not feel as a man and a subject for the sufferings of his Sovereign—if, however, so much was to be claimed by the noble lord upon the ground of feeling, some indulgence might be allowed to

those nearest and dearest to their Monarch, who were yet obliged to make their feelings give way to the necessity, and were prohibited from any approach to the Royal person—this instance was one to shew that, afflicting as the case was, it was yet to be treated as a case of necessity.

The noble earl had spoken of the speech of the King, in approval of the proceedings in 1788, and of the address from that House, as a precedent; and yet the mode of Address to the Prince, to take on him the Regency, was objected to as informal. Here the noble lord went over the arguments already before the public, contending that the King's speech was, properly considered, but the speech of the Ministers, and but a panegyric passed by themselves upon their own conduct. There was, however, one circumstance in which the boasted precedent of 1788 could not be brought to bear. It was said that at that time the measures then proposed had met with the general applause of the country. He believed it had. The people might then have been pleased with those measures, but were they so now?—quite the reverse—the general voice of the country was against them. The noble lord might smile; but he assured him, he himself was then furnished with several petitions against them—some of them from the very counties and towns which had sent up petitions of an opposite kind when William III. first came to our deliverance. He was willing to try it by that test, though he admitted that the popularity of any measure was not an infallible criterion of its propriety; but if the noble lord was to frequent any of those meetings where those petitions had been resolved, he would not laugh at them. But, notwithstanding those and other marked disparities between the existing circumstances and those which prevailed at the time of 1788, still the authority of Mr. Pitt was held forth to sanction the adoption of his plan under circumstances dissimilar—his name was used as a shield to protect defects no reasoning could excuse; the bare name of Mr. Pitt was thought sufficient to obviate every objection.—It reminded him of an anecdote respecting a boy who wrote a Greek theme, which he shewed to Doctor Bentley, as made up of extracts from Pindar; the Doctor objected to the bad Greek; Sir, replied the boy, it is Pindar—to the false grammar; still he was told it was Pindar—to the false accents; still he was told it was Pindar;—to every fault discovered, to every objection started, the ready reply was "Pindar;" and on the Doctor being moved and more

urged with Pindar, he at last said, "Well, sir, if this be Pindar, Pindar was a bold fellow, and you are an impudent one." (*A laugh*). The noble lord next adverted to the absurd apprehension of the King on his recovery being obstructed in his resumption of his powers, and treated this objection in the same manner in which it had been already answered. He concluded by contrasting the conduct and opinions of those who had affected to take such alarm at the introduction of a bill to abolish Reversions, as an attack upon the Royal Prerogative, and who were now the foremost in forwarding a measure, the direct tendency and operation of which was to abridge and restrict the most essential branches of the prerogative.

Lord Harrowby began by stating, that he could not agree with the noble baron (Lord Holland) in the view he had taken of the grounds upon which their lordships were to vote upon the proposed amendment. That noble lord had said, that no person who was not ready to vote for all the subsequent restrictions, could vote for keeping in the words proposed to be left out. It was, on the contrary, as appeared to him, undeniable, that no person who was not prepared to negative every part of the subsequent restrictions, could consistently vote for the omission of these words. No noble lord had yet objected to the Resolutions respecting the private property of the King, or respecting the continuance of a part, at least, of the Household under the control of the Queen. These were certainly restrictions; for without the subsequent Resolutions, they would both, under the general terms of the first Resolution, fall into the hands of the Regent. It therefore would be a complete contradiction if we struck out from the first Resolution every word which implied any limitation to the power of the Regent with a view of proceeding afterwards to limit it. The noble lord had also stated an objection in bar to our power of limitation. He thought that when we had declared it to be our right and duty to provide the means of supplying the defect of the personal exercise of the Royal Authority, we had expressly limited our rights and duties to the mere supply of that defect, and were restrained from doing any thing but appointing a Regent with the whole authority of a King. The very letter of that Resolution would not, however, bear him out in this construction; for we clearly reserved the exercise of our discretion in the concluding words, "in such manner as the exigency of the case should appear to require."

Besides, this Resolution was, *totidem verbis*, the same as was passed in 1788; and as it was then followed by a variety of other Resolutions, imposing restrictions, this contemporaneous exposition of its meaning was irresistible. The noble lord had also stated that a complete fallacy pervaded the arguments of his noble and learned friend (the Lord Chancellor), when he had argued from the Regency Acts of Geo. II. and Geo. III. that the whole authority of the King had never been granted to a single person. This was, however, correctly true; and the fetters imposed upon a Regent by the appointment of a permanent Council, which he could not remove, and without whose consent (in some cases, of a majority of five, in others, of a majority of the whole body), he could do nothing, were much greater than those which were now proposed to be laid upon the exercise of a few branches of the prerogative. Such, however, was the importance given by the noble lord to these few branches, that all the rest were in his eye only shreds and scraps and patches; for those were the terms in which he characterized the powers of war and peace, and the entire controul of the Army, the Navy, and the Revenue of the empire. But it had been argued, that although the powers were not all vested in one person by these acts, yet that all the powers were vested somewhere. Even this was not correct, for the Regent and his Council were not invested by either of those acts with an uncontrouled power of legislation. They were expressly debarred from giving the Royal Assent to the repeal of specified acts; and if there were any single limitation, it was sufficient to negative the principle of a Regency absolutely unlimited. But supposing that had not been the case, he should still contend that those acts did not apply to the present case. They were passed by a complete Legislature, consisting of King, Lords, and Commons, whose power was entire, and to be exercised according to their uncontrouled discretion. We were not in that state.—Every act we did was informal; our power was derived solely from necessity, and every step we took beyond the warrant of that necessity was not only informal but illegal. We required much stronger grounds to justify the grant of the authority we gave, than the refusal of what we might think proper to withhold. The noble lord had said, that we must keep two objects in view; first, that the interests of the people might be secured; and, secondly, that the King might, upon his recovery, resume his power. In

an enlarged view of the question, these objects were one and the same, for in providing for that resumption we were providing for the interests of the people. But if we consented for a moment to consider them separately, we should find, that with respect to the first, the true principle was, that sufficient power should be given to carry on the government during the interval; and with respect to the second, that no power should unnecessarily be given to any temporary authority to do that which the permanent authority, when restored, could not undo. This consideration applied immediately to the first restriction, that of making peers. What were the uses of this prerogative? To enable the King to reward signal services, naval or military. This power was withheld in 1788.——Why? Because we were then at peace. It was proposed not to be withheld now—because we were at war; because services of this nature were the only services in which the merit which claims reward could be fixed to a particular action, and where the gratitude of the public might feel impatient to be embodied in some distinguished mark of the Royal favour. Another use was, to reward services in other professions, the eminent discharge of official duties, or the display of political talents; or to fortify that House by the accession of persons of high birth, great possessions, or extensive influence, in order to preserve its relative importance to the other branch of the Legislature. For these purposes the existence of such a prerogative was eminently useful in the various circumstances which might occur during a series of years; but could any man say, that a suspension of this power for a single year could disable the Regent from carrying on his government? Look to experience—the present Administration had been decried by their opponents, as deficient in strength and power. Had they found it necessary in four years to prop up their weakness by any such exertion of the prerogative? why then, for one year, should it be necessary for the Regent? There was, however, another ground upon which this prerogative had been distinctly claimed by a noble marquis in an early part of the debate. He had stated it to be necessary, in order to give the Crown a controul over the deliberations of this House. That cases might occur in the course of time (rare, however, they must be), in which the use of this prerogative, for this object, might be justified by extreme necessity, he was not disposed to deny. But were they likely to occur in a single year?

Nothing but the declaration of the noble marquis could have led him to suppose it. But he was now compelled to fear, that it might not only be possible, but probable, that the advisers of the Regent might introduce measures, to which they were perfectly aware that the House, as at present constituted, could never be brought to consent, and which could only be crammed down their throats by the introduction of overwhelming numbers. The noble baron had said, that those restrictions were intended to secure the resumption of the King's power. This he denied; in that respect they were unnecessary; for, with them or without them, where was the man to be found who would dare to oppose such a resumption? But they were necessary to make that resumption effectual, to prevent such obstacles being opposed to the full exercise of the Royal Power, as to render that authority, when resumed, merely nominal; or to force the King, by the abuse of his prerogative in the Regent, to abuse it still further himself. How could he counteract a numerous creation of peers, but by a creation still more numerous? If we looked forward to the melancholy possibility, stated by the noble baron, of future returns of the same indisposition, the necessity of this restriction would be still more evident. The advisers of the Regent, but for a single month, might fill the House with their political adherents. The advisers of the King are compelled to the same. This fresh influx is repeated from time to time; this House becomes the sport of contending parties, till tossed backwards and forwards by the impulse of those conflicting waves, its honour, its dignity and independence are overwhelmed and wrecked for ever. We did not do our duty if we omitted to guard against the possibility of so dreadful, so irremediable an evil. His lordship next proceeded to consider the Resolution respecting the Household. He objected to it, as brought from the Commons, both because it proposed to make some immediate alteration in the Household of the King, and because it proposed to make the same provision for the period now existing, in which he had strong grounds to hope for the recovery of his Majesty, and for the possible period, in which we might have equal grounds to fear the contrary. No provision could be made which would apply to both these periods: we must either do, what would be too much for the first, or too little for the second. But his main objection went to any interference whatever with it at the present moment. He was happy to

find that in the whole course of this debate, a reference to the feelings of his Majesty had not been thought disorderly. Such a reference had not been thought so in 1788; and it had been particularly sanctioned by a noble lord, whose situation at that time in the other House made the preservation of order his peculiar duty. They had then been told to consider the feelings of his Majesty—'if he should find that Parliament had availed itself with eagerness and avidity even of the shortest interval, to new-model the officers attendant upon his person, and, by a miserable economy, to degrade their Sovereign from those circumstances of splendour which belonged to the rank in which he was born, and to the station which he still occupied.' Yet this was what we were called upon to do to a certain extent, by the Resolution, as it then stood. For such was the connection between the different offices of the Household, from the highest to the lowest, that we could not make the separation proposed, without new-modelling the whole. This we might be compelled to do at some future melancholy period. But where was the necessity to shew our eagerness and avidity to do it? Even without the authority of this great example, how was it possible for us to exclude from this debate, the consideration of his Majesty's feelings? One of our declared objects was to provide for the resumption of his power, upon the happy moment of his recovery. Unless our wishes were a mere pretence, and our prayers to Heaven only an idle mockery, and an impious insult, we must consider what would be the effect of our decision, in promoting or obstructing that recovery! If we were about to do that, which might, which must, nay, which ought, to obstruct it, if his Majesty had the feelings not of a King, but of a man; if we created a cause, which must produce an almost necessary effect, how could we justify to ourselves this wilful blindness? How could we avoid feeling, that by unnecessarily creating the cause, we were responsible for the effect? If this argument prevailed in 1788, what ought to be its weight now? His Majesty found then, upon his recovery, that his Parliament had paid him every tribute of tenderness and respect, and was graciously pleased to repay them with the expressions of his warmest gratitude. Upon his recovery from his present indisposition, what would he find? That the same tenderness and respect has been no longer shewn. If his feelings would have been acute then, what must they be now? What must be his additional pangs, when he reflects,

that two and twenty years of additional exertions for the welfare and prosperity of his people, of additional claims to their gratitude, had deprived him of his best reward—the proofs he then received of their affectionate attachment? What had he done to forfeit it? What had been the events of those two and twenty years? He had steered his people in safety through the storms of war and revolution; and his throne had been preserved, even more by the veneration inspired by his virtues, than by the gigantic abilities which upheld it. His lordship concluded by conjuring the House not to lose sight of these considerations, and by declaring that he should vote against the amendment proposed by the noble Marquis to the first Resolution, and for the amendment proposed by the Secretary of State to the fifth.

Lord Grenville felt himself called upon to state his view of the subject, from the unmerited manner in which his name and principles had been referred to by other noble lords. It was not difficult to see the object of such exaggerated compliments; indeed, the intention was too manifest even to deceive the most unsuspecting: much more manly would it have been openly to state the difficulties in which former sentiments might be presumed to have involved him, than under the cover of strained panegyric to place the hope of increased embarrassment. He could however assure noble lords that he never felt on any former occasion less embarrassed than at the present. Even had circumstances now induced him to support a course of conduct differing from that which on a former occasion he had followed, it was not the apprehension of inconsistency that would swerve him from his duty. To purchase the character of being consistent, he could never consent to pay his integrity as the price. Let that be the sacrifice of those who valued the sentiments of others more than reflections of their own mind or the approbation of their own conscience. In considering every political question, he felt it to be his first duty to take into his view what at the time the interests of the country required, and what it was incumbent on him, as a member of Parliament, to recommend. Though the line of conduct pursued by the noble lords rendered these remarks necessary, they were not applicable to the opinion which he was then about to communicate. He had already declared his conviction of the right being in the Estates of the Realm to supply the deficiency in the Royal Authority; he considered, therefore, that it followed as a natural consequence that the

right, that conveyed the power to create, imported also the power to limit or abridge. It was in his opinion a solecism in reasoning to contend that those in whom the power existed of creating Regent, were incapacitated from accompanying the appointment with restrictions accommodated to the existing necessities of the country. At the same time that the nature and extent of these restrictions, if restrictions at all, were a question wholly to be considered on grounds of expediency. Much was said of the precedent of 1788; and it appeared from the manner in which that part of the subject was pressed, that noble lords opposite seemed to think their lordships bound, under the penalty of disloyalty, to support, and any one who once recommended to continue his sanction, under the penalty of being considered inconsistent. He could not sufficiently condemn the too great use that had been made of personal character, nor the acrimonious feelings which the invidious comparison of departed great men, had very unfortunately drawn forth. With the two great characters most looked up to on both sides of that question in 1788, he had the happiness to be well acquainted, and of each he must say, as lord Bolinbroke, when some officious parasite endeavoured to depreciate the great duke of Marlborough, on his hearing that "he had his failings, but he was so great a man that "he forgot what they were." The subject of consideration for their lordships then was, to ascertain the view that they ought to take of the question, under the present melancholy emergency, together with the application of the precedent of 1788 to present circumstances. It was, however, irreconcilable, in his opinion, that the noble lord should press so strongly the necessity of adhering to the precedent of 1789, at the time that, in the Resolutions they proposed, they deviated from the most essential principles of the Resolutions of that period—a deviation which, of itself, should induce him to oppose one of their Resolutions. The House, in considering the subject, should fairly ask themselves, whether the circumstances of the present period were essentially different from the state of affairs in 1789? A noble Viscount had taken a very limited view, when he alluded, for his argument, to the increase of our naval and military means, and the consequent expenditure and patronage. He should have extended his thoughts further, and estimated the circumstances which had led to this augmented expenditure. Indeed, it would be as reasonable

to regulate the Constitution of a government, suited to that period, by the state of things in 1788, as it would be to fix a war and peace establishment now by the standard of those that were suited to political circumstances twenty-two years ago. With respect to the imposition of restrictions on the Regency now, give it will depend upon the nature of them how he should tbe his vote. As a general principle, he would say, that, for sake of example, a distinction should be preserved between original and delegated power; and that a temporary authority, when restricted, was best restricted as to the capacity of conferring permanent rights. To restrict the Regent, as to the peerage, upon that principle, was advisable; but though he was willing to give his assent to the principle, no earthly consideration could induce him to give his vote, in favour of the Resolution on that point proposed by the noble Secretary. They have coupled it with exceptions, which went to destroy some of the first and most advantageous principles of our party—an exception which went to circumscribe the paths of honour, and deprive the people of these realms of that proud birth-right by which the avenue to honour and preference was open to the meanest individual in the meanest cottage in this country. No one could so far misrepresent him as to suppose that he would asperse the honour of those two distinguished services, the Army and Navy. On the contrary, he felt the nobility of that House to be farther ennobled by the association of such characters—still, however, there may be occasions where the suspension of the prerogative as to peerages might be attended with great evil.—For instance, in the appointment to the high law offices, or to obtain a greater supply of legal talent in that House—it would be of the first importance, if exceptions were to be at all allowed, that it should embrace other branches of the public service beside those of the Army and Navy. But the exception, as it now stood, was most odious, and calculated to establish the most invidious distinctions between the constituent parts of that House.

The noble lord proceeded to remark the difference between the other Resolutions and those of 1789; in the latter there was no limitation, because, from the uncertainty which then prevailed as to the nature of his Majesty's infirmity, it was impossible to fix a standard. With respect to the care of his Majesty's private property, that could not be considered in the light of a restriction upon the Regent.

It was, however, a regulation which the Houses of Parliament, under the present circumstances, had a right to provide. He had, however, an objection to pledge himself even to confer the power to the Regent under restrictions, lest by such vote he should be bound to support any restrictions which the noble lords opposite should press for their lordships' adoption. Relative to the disposition of the Household, he preferred the Resolution as it came from the Commons, to that which he understood it was the intention of the noble Secretary to propose; and his preference was founded upon the principle, that it provided not only for the comforts, but for the dignity of the Sovereign. The manner in which that principle will be carried into effect, would become the subject of future full consideration. The proposition of the noble Secretary he considered rude and inconsiderate, not fitted for the object which it had in view. It did not give, as was assumed, the controul to the Queen over the Monarch's servants—neither did it provide that the sick bed of the Sovereign should be attended, as it might, with the ensigns of the Royal dignity. From this statement he was sure their lordships would observe, that his opposition to the Resolutions of the noble Secretary was in no degree at variance with his former opinion.

Lord Liverpool denied having said any thing that could imply that he considered the powers of the Crown as personal property—on the contrary, he admitted that they were a trust for the benefit of the people. He also denied having stated that the restrictions on the Regent depended entirely on expediency. He considered them as partly depending on expediency, and partly on the principle of marking the distinction between an original and a delegated trust. The noble baron (Grenville) had admitted, that there ought to be some restriction—and by voting for the Resolution, he would pledge himself to nothing more than this. If the restrictive words were left out, the Resolution would go to vest in the Regent all the prerogatives of the Crown—even the command of the privy purse, which was contrary to the noble Baron's declared intention. As to the restrictions with regard to peerages, the ground of the exception in favour of naval and military officers was, that unless they received the honour immediately, they might possibly never receive it at all. At the same time he was aware of the force of the

argument in opposition to this distinction, and therefore he should have no objection to withdraw the exception.

The numbers on lord Lansdowne's amendment for leaving out of the first Resolution, the words "subject to such restrictions, &c." were,

Contents - - - - -	105
Non-contents - - - -	102

The majority was here three against Ministers.

Lord Liverpool then proposed the omission of the privilege, which had been supported by his friend Mr. Perceval in the Commons, namely, that of granting peerages for extraordinary naval and military services: and, certain opposition lords, who preferred the full restriction to an invidious distinction, voting on this occasion with Ministers, the numbers were, for lord Liverpool's amendment,

Contents - - - - -	106
Non-contents - - - -	100

The resolution upon the patronage of the Household stood as it came from the Commons. The majority was also the same as in the Committee of the lower House, namely 19.

The final division was upon the question of receiving proxies,

Contents - - - - -	99
Non-contents - - - -	102

[It will be seen, then, from the preceding statement that the Resolutions sent up by the Commons are altered by the lords in two points only, the first resolution undergoing a change in form merely; the words "subject to such restrictions, &c." being omitted. The right, however, of imposing restrictions, was not thereby renounced, as is evident from the tenour of the other Resolutions. By a change in that respecting peerages, the Regent is withheld from granting them generally; having by the disposition made in the Commons been allowed to confer those honours on men of extraordinary desert in the Army and Navy.]

HOUSE OF COMMONS.

FRIDAY, JANUARY 4.

TREASURY ORDER.

The Chancellor of the Exchequer moved for a copy of a letter from the Deputy Clerk of the Privy Seal, dated 4th Jan. 1811, which was ordered.

The Chancellor of the Exchequer presented at the bar, papers, by order of the House, in which was the above letter. It was ordered to be read, and stated the application of the Treasury, for the use of the Privy Seal, and the reason for not complying with it; which was, that it was contrary to the express letter and spirit of the oath of the Deputy Clerk, to put the Privy Seal to any instrument in the way which had been desired by the Lords of the Treasury. Ordered to lie on the table, and to be printed.

The Chancellor of the Exchequer moved the order of the day for the House to resolve into a Committee of the whole House to take into consideration the Correspondence between the Lords of the Treasury and the Auditor of the Exchequer.

On the question being put,

Mr. Tierney assured the right hon. gentleman he wished not to throw any difficulty in the way of his motion, or of the proposition to be considered under it; but he thought the House should be on their guard how they gave into the practice of going into Committees on various subjects. They had, at the commencement of the business, determined to confine themselves to the single case of appointing a Regent, and had therefore formed themselves into a Committee on the State of the Nation, and he thought this business would be much better adapted to that than to a Committee of the whole House.

The Chancellor of the Exchequer said he was of the same opinion on that point, if that Committee had not been adjourned to Tuesday next: but as the House was now put in possession of the documents which would enable it to judge of the nature of the case, and as he conceived that as it was in a great measure a point of form, whether they should go into a Committee of the whole House or a Committee on the State of the Nation, he hoped no obstacle would be thrown in the way on that account. If, however, it should be thought by the House that a Committee on the State of the Nation was highly preferable, and it should be found that the House would not be deviating too much from its usual practices to enter now into a Committee on the State of the Nation, he was very willing to proceed in any way the House might think most proper.

The Speaker said, it was difficult to give an opinion on the present case as a matter, or on a ground of precedent; the Convention Parliament, at the Revolution, had confined

their proceedings to the single point of filling up the vacancy in the third Estate: in the Restoration Parliament they entered into a great many money matters and other subjects. According to the present usage of the House, he thought they could go into a Committee on the State of the Nation, that Committee having been adjourned to Tuesday, without departing from the customary practices of the House; but in all cases he conceived Parliament has ever proceeded according to its own views of the necessity of the case.

The Chancellor of the Exchequer said, that from what had fallen from the Chair, it seemed to him to be no more than one form against another.

Mr. Adam was of opinion, that there was a great deal more than form in this objection of his right hon. friend; and if there was reality in it, the House ought to consider it. He would therefore submit, that the House should adjourn into a Committee on the State of the Nation, and thought the adjournment to Tuesday, was no bar to such a proceeding. Great importance seemed to him to attach to the name of the Committee the House should now open. It had been agreed to go into the State of the Nation only, and if it was now agreed to open any other Committee, there was no knowing where they might end.

Mr. Yorke said, it appeared to him to be unimportant, whether this business was taken up by a Committee of the whole House, or on the State of the Nation. He was willing to proceed in either way. He thought, however, that if a Committee on the State of the Nation was deemed to be preferable, only that the adjournment stood in the way, that objection might be obviated by making a general entry on the Journals, stating the case exactly as it is, and that such is the reason for not going into a Committee on the State of the Nation.

Mr. Ponsonby could not bring himself to consider this in so immaterial a light as it had at first appeared to be. The House had very lately seen the weight of precedents, in the opinions of great numbers of members, and with what vehemence it had been urged whether these precedents were right or wrong. They would, therefore, perceive, that making another precedent at this moment, on very doubtful grounds, could not be an immaterial point; and it was therefore necessary they should confine themselves to the State of the Nation; for if they suffered the House to be led into the consideration of other matters, there was no knowing what

lengths they might not be asked to go. The special entry on the Journals just mentioned by the right hon. gentleman, might perhaps in some measure obviate the principal part of the objection, and as such he deemed it deserving the consideration of the House. (*A cry of Chair, chair, chair.*)

The Speaker said he was unable to state more on the subject than he had already done,—to accelerate the Committee on the State of the Nation would, in his opinion be a departure from the usual practice and proceedings of the House. If the House should think proper to proceed in a middle way, and direct any entry to be made on the Journals, he would see that such entry should be correctly stated.

On the motion of the Chancellor of the Exchequer, it was ordered, that the letter from Mr. Larpent, the deputy clerk of the Privy Seal, should, as well as the said correspondence, be referred to the said Committee.

The Chancellor of the Exchequer then rose and said, that after the discussion which had already taken place on this subject, the House would be enabled to form some ground of opinion why he should have thought it unnecessary to bring this business before the House of Commons. His opinion, founded on the most serious consideration, was, that it would be better Ministers should have done it by themselves, on their own responsibility, to be submitted to Parliament, when their whole conduct as to this transaction could be fairly and fully laid before the two Houses for their conderation and approval. The House would see by the papers the absolute necessity there was for the immediate issue of the money—but every member in the House ought to be made acquainted with the grounds on which this money was to be issued. Within these walls, it was impossible any one should conceive that Ministers could have a thought of raising or issuing money without the consent of Parliament had been first obtained: but in this case, the whole he had attempted to do, was in his idea mere matter of form. An Act of Parliament (*the Exchequer Act*) has directed the mode in which money is to be issued by the Lords of the Treasury, after being granted by Parliament; and the mode thereby prescribed, is, that issues of money from the Exchequer shall only be made by the authority of the Great Seal, the Privy Seal, or the directions of an act of Parliament. It appeared to him and the other Lords of the Treasury, that as certain sums of money had been expressly

appropriated by an Act of Parliament for the particular services of the Army and Navy, the Exchequer would have been fully justified in issuing those monies on the warrant of the First Lord of the Treasury, it being under the directions of an Act of Parliament; and therefore he looked upon the King's Signature as mere matter of form. In consequence, however, of what he had before stated, and of what fell from the right honourable gentleman opposite, that such an order might not be obeyed, he had applied for a Privy Seal, which would have been a sufficient authority; but not being able to obtain that, he had issued the two warrants for this money. It was no concealed instrument, but openly issued; and he had immediately dispatched them to the Auditor of the Receipts of his Majesty's Exchequer. These Warrants were No. 1. and No. 2, for 500,000l. each; one on account of the Treasurer of the Navy, and the other on account of the Paymaster-general of the Forces. To those warrants he had received an answer from the noble lord, who was Auditor of the Exchequer, the words of which he would now read. After acknowledging that Mr. Fisher had brought him the two warrants, his lordship says (No. 3), "I have been up to this moment totally unapprised of any intention on the part of their lordships to transmit me any such warrant, &c." To this he (the Chancellor of the Exchequer) transmitted the answer contained in No. 4, and referred generally to the correspondence which had taken place on the subject.

The right honourable gentleman protested to the House in great sincerity, that he could not, after this correspondence and the legal opinions, bring to his mind to suppose the noble Lord would have refused to agree to the issue required by the warrants, but that he would have contented himself with protesting strongly against the measure, and have left it entirely to the responsibility of Ministers. He might, perhaps, have taken a wrong step; but if, with two Acts of Parliament expressly in his favour, he had come down to the two Houses to trouble them on this subject, he should have expected to have been called the most pusillanimous Minister that ever was, in hesitating to do that from his own authority, which the exigency and necessity of the case so imperiously required. In the Loan Act, passed last Session, three or more Commissioners of the Treasury, or the High Treasurer for the time being, were authorized and empowered to issue the monies appropriated by that Act to the service of the Army and Navy; and the proceedings which have

prevailed in the Treasury of the Exchequer, having the authority of the Sign Manual, seemed to him to have been matter of form; and he did therefore take upon himself to issue the order, which might be reprehensible; but he did it on a firm conviction of what he had stated being the case till the refusal of the Deputy Clerk of the Privy Seal had convinced him, he at least thought that could not be dispensed with. He might be styled a *Rebbell* by some, a Rebbell and an Usurper; but, conscious that he had only been discharging his duty, as the necessity of the case required, he confessed he did not feel much alarm at such epithets and imputations. It might be said that there were no precedents for this in the proceedings of Parliament in 1788-9; and that in the present year we were acting contrary to what they then did. But suppose there had been no act like this at that time, if no similar case had then occurred, should we say that if such a case had then happened to come before Parliament, they would not have met it in the way he proposed to do? At that time the country was in profound peace, and no steps were taken in many cases where the Great Seal and Privy Seal were required, because our foreign relations did not actually require it; but in many cases at home the Privy Seal had been used, such as the judges going their circuits, &c. There had also been orders for removing troops from Ireland to America, in which the officer issuing the order had declared he had not the official authority; but those receiving it knew the reason, and would therefore do it on the responsibility of Ministers, to be judged of according to the exigency and necessity of the case, illustrated by what he conceived to have been the feeling of Parliament on that occasion. He had been told that an opinion had been expressed out of that House, that if troops must of necessity be sent to Portugal, and Parliament was sitting, Ministers could not legally send them without the authority of Parliament for so doing. But how would the House deal with a subject of this sort? If Ministers were to apply to the House for such a purpose as that of sending troops to Portugal, they ought to lay before it all the documents relative to such reinforcements—nay, the whole state of the army in Portugal, of its wants and necessities, intelligence which would be in the hands of the enemy in a few hours after it was thus promulgated. He thought, therefore, the responsibility of Ministers was in such a case preferable to a Committee of the two Houses,

who cannot act without such communications. On that responsibility he had acted as the necessity of the case appeared to him to require, and he hoped he had not anticipated erroneously the decision the House would come to on the point. A case of exigency had now arrived. The money was not to be got by any other means but by this application to the two Houses of Parliament. It appeared to him, that it was much better at once to allow the Ministers to act upon their own responsibility, until the deficiency in the Royal Authority is filled up. It would be almost impossible for the two Houses of Parliament to interfere directly in every issue of public money for the services of the State. If that were to be attempted, there must every week or two be conferences between the two Houses, and there would be repeated and endless debates on every particular issue. He thought, therefore, that it would be much better to empower the Lords of the Treasury to grant the proper warrants during the time that the Royal Authority remains unsupplied. He should therefore move, "1st, that it was necessary, under the urgency of the present conjuncture, that during the time that the exercise of the Royal Authority is suspended, the various sums of money granted by Parliament for the Navy, Army, and Ordnance, and specifically appropriated to those purposes, should be issued and supplied. 2d, that it was expedient, for that purpose, that the Lords of the Treasury should issue their warrants to the Auditor and other Officers of the Exchequer. And 3dly, that the said Auditor and other Officers of the Exchequer are hereby authorised and commanded to pay and issue from the Exchequer the sums of money contained in the said warrants, signed by three or more of the Lords of the Treasury, as well as in the warrant of the 31st December, 1810."

Sir John Sebright conceived that the course pursued by the right honourable gentleman was the best, the wisest, and the manliest course he could have adopted. He would certainly have wished that he had proceeded with greater promptitude to fill up the deficiency in the Government. The right honourable gentleman had, in this instance, acted as he conceived to be his duty, without flinching from the responsibility which he had incurred. He could not avoid admiring the fair and manly way in which the right honourable gentleman had stated his case.

Lord Temple said, that if the right hon. gentleman felt himself in a distressing situation with respect to the issue of

money necessary for the public service, it would be incumbent on the House to go a little back, and consider what were the circumstances which led to this distressing situation. Parliament met on the 1st of November, the day to which they had been prorogued. Frequent adjournments had been proposed by that right honourable gentleman, and agreed to upon his distinct assertion, that no practical inconvenience would result from those adjournments. It appeared, however, that there was a necessity for certain issues of money from the Exchequer, for the public services, and that the right honourable gentleman wished to obtain these sums in a manner contrary to the practice of the Exchequer, and the usual forms. In this attempt he had not succeeded; and yet Parliament had never been told of any inconvenience resulting from this delay till now, when the money in the hands of government is entirely exhausted, and they know no regular means of getting more out of the Exchequer. The right honourable gentleman, however, said, that as the sums of money had been appropriated by Act of Parliament for those services, he thought the warrants of the Lords of the Treasury were legal, until he was informed by the Attorney and Solicitor-General that they were not legal. He had also said, that it never entered his head that the Auditor of the Exchequer would refuse to issue the money on these warrants, and it was on that account that he did not state to the House an inconvenience which he did not anticipate. If he felt so little doubt upon this point, why did not he think of the warrant in the first instance? How came it, on the contrary, that it was to the Privy Seal he looked in the first place; and that it was only when in obtaining the Privy Seal, in consequence of the scruples of the clerk, and when he could not get the Great Seal either, then and not sooner, he should have thought of the warrant. It appeared, evidently, then that he must have known of the illegality of the warrant, and ought therefore to have anticipated difficulties in obtaining issues of money by their means. (*Hear! hear!*)

But it was asked, why would not the officers of the Exchequer subject themselves to the same responsibility which the Lords of the Treasury were ready to take? It was very easy to see the difference. The authors of the public exigency must of course be responsible for their measures. —Why did they not sooner fill up the deficiency in the Royal Authority? If the Royal Authority had been sup-

plied by the proper representative as soon as it ought to have been supplied, this difficulty would never have occurred; and it would be too much to expect that the Auditor of the Exchequer was to take any part of the responsibility which was occasioned solely by the delays of Ministers. The right honourable gentleman said, that the difficulty did not occur in 1788; but then it must be remembered, that that was a period of profound peace, and consequently such issues were not wanting to pay the army and navy as are now wanting. The financial necessities of the country in 1811 are so very different from what they were in 1788, that in this point the precedent would not apply at all. It had been allowed by the right hon. gentleman, as an abstract proposition, that while Parliament was sitting it was the duty of the Ministers to apply to them in cases of difficulty; but the right hon. gentleman put cases to shew, that the abstract principle would not apply to the present circumstances. He stated, that if reinforcements were to be sent to the Continent, it would be injurious to the public service to have such disclosures made in Parliament. But here again the same question occurred; was it right to keep the regal authority so long unsupplied? If, while the Ministers were sending reinforcements to the Continent, they had proceeded *pari passu* in filling up the Executive government, no one would have blamed them for what their duty as ministers required them to do in the interval. If, however, they chose to make a most unnecessary delay in supplying the Royal power, they might certainly execute some of the functions of Royalty on their own responsibility; but they were not to expect other persons to share with them in this responsibility. The real question lay in a very narrow compass. Every loan bill and appropriation act stated, that the authority by which the money was to be issued should be under the signature of three lords of the Treasury. Another Act, however, stated, that money should only be issued under the Great Seal or the King's sign manual, or by the positive directions of an Act of Parliament. The Constitution and the Law did therefore clearly mean to put some check upon the Lords of the Treasury. If it were not so, they would have the entire revenue of the country completely in their own hands. It was now allowed by the right hon. gentleman, on the authority of the Attorney and Solicitor-General, that the warrant was not legal. Now, what was it that he wanted

the Auditor of the Exchequer (lord Grenville) to do. Why, having himself brought the country into the exigency he calls upon lord Grenville to help him for whatever time he chooses to retain the power in his own hands, by issuing money from the Exchequer in a manner contrary to law, and to the practice of the office. This was what he could hardly expect lord Grenville to do. The officers of the Exchequer would prefer being governed by the constitutional power of Parliament, rather than by the unconstitutional and assumed power of the right hon. gentleman. If there was not some check or limitation on the powers of the right hon. gentleman, he would have no occasion to fill up the deficiency in the Royal authority at all. He might go on for weeks, for months, or years, without a Regent, if he was enabled on his own warrant, or the warrant of three lords of the Treasury, to draw the whole revenues of the nation out of the Exchequer, and apply them as he thought proper. He wished, however, that it should be recollected, that no public inconvenience had happened on this account, and that Parliament had now been sitting for a considerable time, and Ministers had only themselves to blame for not stating this difficulty sooner.

Mr. Rose said, that until he had heard the opinions of the Crown lawyers upon the subject, he had had no doubt in his mind of the legality of the warrant. He thought that the words of the Loan Act, and the Appropriation Act, were so clear and so positive, that the officers of the Exchequer might have obeyed them. The Consolidation Act, under which the dividends were paid, expressly stated, that they should be issued by the authority of the Lords of the Treasury, and no other. He thought that the noble lord (Lord Temple) had been mistaken in supposing that it was necessary to enter into a defence of the conduct of lord Grenville, for nothing had been said against him. Nobody had a doubt but that he acted from his sense of duty. As to the precedent of 1788, as far his recollection would serve, he was pretty confident that there was an understanding at that time between the Treasury and the Exchequer. The noble lord (lord Temple) perhaps recollected how it stood in the Paymaster's department.

Lord Temple said that there was at that time a large credit at the Paymaster-general's, and that no difficulty then occurred.

Mr. Ponsonby said, that when first he read the clauses

of those Acts, he was clearly of the same opinion that the right honourable gentleman (Mr. Perceval) had conceived of them, and considered this warrant as legal. But when he heard that the Attorney and Solicitor-General were of a contrary opinion, and when he considered that they must be much better acquainted with the subject matter on which they gave their opinion than he was, he must yield to their opinion. He thought, however, that this proceeding shewed more strongly than all the eloquence and all the logic of all the members of the House put together, the mischiefs which must result from leaving the Royal authority so long unsupplied, by omitting the simple and obvious way of filling it up, and having recourse to an artificial and operose contrivance, founded upon a fiction which to every man of common sense must appear absurd in the highest degree. The Resolution which the right hon. gentleman proposed, contained something of a most extraordinary nature and character. After stating the exigencies of the case, and the circumstances the country was placed in; it goes on to say, "That the Lords of the Treasury are hereby required to issue warrants, and that the Auditor and other officers of the Exchequer are hereby authorized and *commanded* to issue money on the authority of those warrants." Here it was proposed to the two Houses, directly to assume the regal power, as nothing less than the King, Lords, and Commons, could authorize and *command* any issue of money contrary to the forms of the existing law. Were those wrong, then, who said, that if the two Houses usurped a power which did not belong to them, and gave the regal authority to a great seal, that it would necessarily lead to usurpations in another way? When the right hon. gentleman yesterday mentioned the necessity of the case, he was then disposed to agree with him; but he had at that time no idea of his bringing such a proposition as this before the House. He had no idea of the two Houses taking upon themselves to command the issues of the public money: of these difficulties Ministers had been the authors. There was a plain and obvious mode of proceeding, which, if Ministers had taken, would at once have removed all difficulty. It was easy for them in the first place to have appointed that representative of the Sovereign whom the Constitution pointed out. He thought the mode of proceeding by Address was so decidedly superior, that he could not conceive that any man of common education and

common sense, whose mind had not been puzzled by books of legal fiction, could ever approve of setting up that thing which was generally known in the country by the name of *the phantom*, that monstrous supposition of supposing the regal powers to reside in a seal. On the present occasion, the right hon. gentleman would have done well to have found out whether the officers of the Exchequer would think themselves bound to *obey*, even although the two Houses should resolve to authorise and *command* them. If they did not, fresh difficulties might arise, and more time would be lost.

Mr. Dundas said, that there was nothing more clearly stated than that there was no intention of throwing any blame upon Lord Grenville, who undoubtedly acted from his sense of his public duty. A noble lord (lord Temple) had supposed that Ministers might in this manner go on for weeks and months; but it must be recollected, that this resolution only went to those monies appropriated for the Army, the Navy, and the Ordnance. As to the delay which had taken place in the different adjournments, no blame could be imputed to Ministers, if they practised no deception, but stated fairly such reasons as induced the two Houses to agree to the adjournments. The right hon. gentleman, in stating that no public inconvenience had arisen, might well mean, that no such inconvenience had arisen as could at all be compared with the inconvenience of appointing a Regent so suddenly, as some persons thought it ought to have been done.

Sir A. Pigot considered the conduct of lord Grenville as perfectly correct. Neither the Loan Act, nor the Appropriation Act, nor any other, intended to take away from the King that controul which he has had ever since there was an Exchequer in this country. The issues of money had uniformly been, hitherto, by the King's warrant, under the Sign Manual or the Great Seal; and the warrants of the Lords of the Treasury alone were illegal, and entirely contrary to the customary mode of proceeding in the Exchequer The Auditor of the Exchequer was, by the law and constitution, an officer whose duty it was to guard and check the issues of the public money; and if he were to connive with the Lords of the Treasury to permit the money to be irregularly issued, it would be ridiculous to say, the Lords of the Treasury would wish to take his responsibility upon themselves. This was what it was not in their power to do.

He then proceeded to argue at some length on the culpa-

bility of Ministers in leaving the Royal power so long unsupplied. He then pointed out the absurdity of allowing the Regent power to dissolve the Parliament, to appoint to all judicial stations, to make war and peace; and yet, when all those functions were given to him, it was supposed highly dangerous to allow him to create two or three peers. As Sir A. Pigot was arguing on this topic,

Mr. Perceval suggested to him that this was hardly relevant to the present question, and submitted it to his learned friend whether he was not rather out of order.

Sir A. Pigot considered that he was not out of order, as the two questions were intimately connected.

Mr. Yorke did not intend to follow the honourable gentleman in the course which he had taken; as, though much of it might suit either a former or a future discussion, yet he did not conceive it pertinent to the present. Whatever inconvenience might arise from it, in his opinion, the House having agreed to the Resolutions had justified this proceeding. The second Resolution said, that it was the right and duty of the two Houses to provide for any deficiency in the Royal authority, in cases where absolute necessity occurred. It followed from this, that those who were in office should continue to act on their own responsibility, and the Houses should only be applied to in case of necessity. A case of extreme necessity had now arisen, and this of course justified the application. The learned gentleman who spoke last had taken a great deal of pains to defend the character of lord Grenville; but the defence was quite needless, because no attack on it had been made. The noble lord was certainly the best judge of his own actions, and the best person to decide whether he ought to take the responsibility on himself or not. At best, he could only have incurred a legal or formal responsibility; because the money which he was solicited to issue, had in the first instance been actually appropriated by Parliament. But even should he issue the money under an order of the two Houses of Parliament, he was still responsible; because the legal issue required the authority of the Sign Manual or the Privy Seal. The learned gentleman was not correct in the assertion, that in no instance had money been issued out of the Exchequer without the authority of a Sign Manual or Privy Seal; he must have forgotten that the payment of the dividend to the public creditor was made merely upon the warrant of the Lords of the Treasury. He had now stated his cursory view of the subject, and in doing so he hoped he had not departed

from that temper which he was happy to see had been so generally observed during the present debate. (*Hear!*) He argued, indeed, from their good temper, a most favourable omen, a most auspicious augury. It was cheering to see that as their difficulties increased on them, their patience and their mildness arose. Some gentlemen opposite seemed to think that the present necessity had been originated by Ministers, and the delays which their deceitful representations had occasioned. Every adjournment, however, had been agreed to by the House, and, most undoubtedly, the grounds of those adjournments had been stated by Ministers on the most correct view which they could take of the subject. As to the present difficulty, it was impossible for them to foresee it. No Minister could foresee that any man, with a reasonable mind, could have started the objection which lord Grenville did. (*Hear! hear! hear!*) In saying this he did not mean to attach the slightest blame to his lordship; no doubt he acted on his own view of the case, and he was certainly the fittest person to judge as to what share of responsibility he would incur.

Mr. Tierney did not think the Committee exactly knew to what extent they were going to pledge themselves and the country: they thought, he apprehended, that they were only going to empower Ministers to draw from the Exchequer sums of money which had already been appropriated by Parliament. The power which they were authorising was very different: it was no less than giving to the gentlemen opposite the entire disposal of the vote of credit, to the amount of three millions of money. This money had been voted for no one particular service; it was given in confidence to his Majesty. If the Committee had equal confidence in the honourable gentlemen opposite, why well and good, so be it. In the state in which the House now was, a necessity had indeed arisen—the die was cast, there was no alternative. Those three millions might now be whole, untouched, unapplied—or they might possibly be half spent: they were voted for no specific service, and might be applied to any, at the will of his Majesty. There were other topics to which he might advert: he might advert, for instance, to the army extraordinaries; but it was not his intention to detain the House; he had merely risen to state that one fact, and remind them of that which they might possibly overlook, namely, that they were giving to the Ministers unlimited controul over three millions of money.

Mr. Williams Wynne commented on the observations

which had been made on lord Grenville, and contended that Ministers ought to have foreseen this emergency when they stated, on proposing the adjournment, that it was not likely to produce any inconvenience to the public service. The House was now called on to assume the Regal functions; and in his opinion they should not stir a step in entrusting such unlimited powers to the Treasury, without full and sufficient evidence. He declared it to be his intention, either to-night, or when the Report should be brought up, to move an Amendment, in order, for form's sake, that it might be entered on the Journals.

Mr. Whitbread could by no means agree in the Resolution. Mr. Larpent had, it seemed, from conscience, refused to issue the certificate. There, then, they came to a stop at once. The Chancellor of the Exchequer said last night, there was a disposition at first to use the Great Seal, but the Chancellor would not apply it: then recourse was had to a warrant of the Treasury; but this would not do either, as it was illegal. He did not mean to impute the least blame to lord Grenville; but he must say, that his opinions in 1788, and which it seemed he still upheld, had led to this palpable, incurable, irremediable absurdity. His lordship would not issue the money on a Treasury warrant, but he would issue it on the order of the two Houses. Now he (Mr. Whitbread) denied that any such power existed in the two Houses. It was a case of conscience with him, and he would not give it up. Suppose lord Grenville had said nothing about the two Houses: suppose he had said that he would issue for nothing but the Sign Manual; how would the case have been? The responsibility of Ministers was very different from that of lord Grenville. If lord Grenville had issued the money on an insufficient order, he would have become a public defaulter to that amount, and his estates would have become liable. In consequence of his opinion of their authority, lord Grenville had thus sent the Lords of the Treasury to the two Houses, for an order, acting under which, he imagined he became irresponsible. In this opinion he could not agree. Suppose the two Houses agreed in the Resolution, and that some of the inferior officers denied the right, and refused to obey it; how would the matter stand? The House could not turn them out; and thus the whole of the emergencies of the nation must remain unsupplied. To such a state were they reduced by the course proposed by the right honourable gentleman and his friends. (*Hear! hear!*) How could he remedy it? Why at once by adverting

to the mode proposed of addressing the Prince to assume the Regency, and thus with the utmost celerity supplying the Executive. (*Hear, hear!*) If this was not done, Ministers, after declaring that during the exigency the two Houses must have Royal power, might then prolong that exigency as long as they chose.

Mr. Horner followed on the same side, and declared, that he would not vote for the Resolutions until it could be shewn that it was absolutely illegal for either the Lord Chancellor or the Lord Privy Seal to put their respective seals to the order on their own responsibility, without applying to Parliament. This he thought the Act of William III. entitled them to do; and he would not consent that they should shrink from a responsibility which, by their proceedings, they had brought upon themselves.

The *Chancellor of the Exchequer* rose again, and, in an able speech, replied to all the arguments which had been used against him. He particularly denied that the address to a Regent would obviate their present difficulties, because if, as Mr. Whitbread said, the two Houses had no right to empower the Lords of the Treasury to obtain money from the Exchequer, they certainly could not possess the still greater power of conferring the Royal authority.

The question being loudly called for, the several Resolutions were put by the Chairman, with some Amendments proposed by Mr. Wynne—of which latter some were agreed to, and the Chairman having left chair, the Report was brought up forthwith and agreed to.

Ordered that these Resolutions be communicated to the Lords to-morrow.

Adjourned.

HOUSE OF LORDS.

SATURDAY, JANUARY 5.

PROXIES.

The Lord Chancellor gave notice, that he should give notice next week of a motion for the purpose of bringing under the consideration of the House the doubts which had arisen relative to the right of Peers to vote by proxy under circumstances similar to the present.

This gave rise to a conversation referring to the decision of last night, while strangers were excluded, by which proxies were not allowed to be called.

The Dukes of Cumberland, Kent, and Clarence, justified the votes they gave last night, against the admission of proxies, on the ground that under circumstances similar to the present, and with such important questions under discussion, it was not consistent with the spirit of the Constitution, that Peers should be allowed to vote who were not present.

Earl Spencer, the Earl of Moira, and other Lords, also adopted the same line of argument, and contended that the House was to be considered as virtually in Committee, and therefore, that the Peers had no right to vote by proxy.

Lord Mulgrave, Lord Redesdale, and the Earl of Liverpool, on the other side, contended that to vote by proxy was a right inherent in Peers, of which they could not be divested by the circumstances of the present conjuncture.

The Lord Chancellor, on being requested to name a day for his motion, gave notice for Friday, and that he would state his intended motion on Thursday.

ISSUE OF MONEY.

The Earl of Liverpool moved the Order of the Day, and the Resolution from the Commons relative to the Issue of Money, was read by the Clerk.

The House resolved itself into a Committee, to which all the papers were referred, and the Resolution from the Commons was again read.

The Earl of Liverpool, on entering into the discussion of the subject, was desirous of removing an impression that had got abroad, that the object of this measure was to vote money out of the pockets of the people: its object merely was to authorize the issue of money from the Exchequer to the public, which had been already voted and appropriated by Parliament. This question was brought before the two Houses in consequence of the necessity of the case, the money being urgently wanted for the public service. Circumstances had arisen which rendered necessary the bringing the present subject before Parliament. He was of opinion, that during the incapacity of the Sovereign, the authority of the Crown was vested in the two Houses of Parliament, with whom it rested to supply the defect in the personal exercise of the Royal Authority as circumstances might require. This, however, he conceived did not extend, neither would it be fitting or convenient that it should, to the details of the Exe-

cutive government. Those details must rest with the confidential servants of the Crown, who were responsible for those measures which it might be necessary for them to adopt for the safety or well-being of the country. In the present instance, it having become necessary to issue money from the Exchequer, for the payment of the Army, Navy, and Ordnance, the Commissioners of the Treasury issued their warrant for the purpose, it being conceived, that under the Act of William III. their warrant would be a sufficient authority. But the law officers of the Crown having given an opinion to the contrary, his Majesty's Ministers bowed to that opinion. He, however, still entertained an opinion, although it might be that of a person ignorant of the subject, that under the words of the Act the warrant would have been in itself a sufficient authority; but he admitted that the uniform usage of the Exchequer had been to the contrary. It was then proposed to use the Privy Seal to sanction the warrant, which would have been a direct and sufficient authority to all the subordinate officers. He did not mean to find fault with those scruples of the individual, by which the use of the Privy Seal, in the manner proposed, had been prevented. In the conduct of Ministers upon this occasion, there had been nothing but what the necessity of the case required. There was no secret in the transaction; it was perfectly well known that the money must be issued to supply the exigencies of the public service. In 1788 and 1789, the Ministers at that time were equally compelled to act upon their own responsibility, under the circumstances of a melancholy incapacity of the Sovereign, similar to the present. They, under those circumstances, took upon them the responsibility of an act of state as great as that of entering into a treaty. It was necessary, in order that the spring assizes might be held in 1789 for the trial of offenders, that a Commission should issue from the Crown. It was impossible to obtain the Sign Manual, and it was determined to put the Great Seal to the Commission; which Lord Thurlow, the then Chancellor, did, and the Judges went the circuits under that Commission. He mentioned this, to shew that the same opinion was then held with respect to the duty of the confidential servants of the Crown, to carry on the Executive government under the circumstances of the melancholy incapacity of the Sovereign, so far as the necessity of the case required. He at the same time held it to be their duty, to do only those acts which were necessary to the well-being of the country. In the present case, it was an

act of necessity, that this money, which had been already voted and appropriated by Parliament, should issue from the Exchequer to supply the exigencies of the public service; and he trusted, therefore, there would be no objection on the part of their Lordships, to give the authority, by sanctioning the Resolution. As to any charge of delay, Parliament had sanctioned whatever delay had occurred, upon grounds and for reasons which to them were satisfactory. His lordship concluded, by moving to agree to the Resolution, and to add the words, "The Lords Spiritual and Temporal."

Lord Grenville felt a difficulty in consequence of the speech of the noble Secretary of State, as to the course which he ought to take. There had been an understanding, for the convenience of the House, that merely the exigency requiring the issue of money from the Exchequer should be considered to-day, and that the conduct of Ministers should be reserved for a future discussion. He would not, however, now break in upon that understanding, by attempting to discuss that part of the subject in so thin a House, and after the fatigue of last night's debate; but, protesting against the monstrous principles urged by the noble Earl, he pledged himself that a day should come when the conduct of those noble lords should be made the subject of discussion. The noble Earl had got into a strange confusion in arguing, that in consequence of the melancholy incapacity of the Sovereign, the functions of the Executive government devolved upon the two Houses. It belonged to them, from the necessity of the case, to supply the defect in the personal exercise of the Royal Authority; but they could not perform the functions of the Executive Government, and herein consisted the difficulty, for no one else legally could. The noble Earl had said, that he bowed to the opinion of the Law Officers of the Crown; and he (Lord Grenville), had their opinion been that the warrant issued by the Lords of the Treasury was legal, should also have bowed to it. He could not agree with the noble Earl in his construction of the Act of Parliament, because no incidental words in an Act could give the power to the Lords of the Treasury of drawing the King's money from the Exchequer. The power must be given by direct and express words. All the monies voted for the public service (with the exception of the Consolidated Fund, which was specially applied, and the surplus voted to the King in the succeeding session) were voted to the King, and became the King's monies in the Exche-

quer, from which they could not be drawn without the authority of the Crown, signified either by the Great Seal, the Privy Seal, or under the special directions of an Act of Parliament. He, as Auditor of the Exchequer, a place which had been supposed by some to be a sinecure, but which was an office of great public trust and superintendance over the issue of public money, could do no otherwise than refuse to sanction the warrant. His office was not an office of state, or of political responsibility, but purely ministerial, in which he was bound to act according to law, and in which it would have been contrary to his duty to have been influenced by any other considerations operating upon those who were politically responsible. The inconvenience which rendered the present measure necessary, was solely to be attributed to that delay which had been caused by the conduct of Ministers, and which must become a heavy charge against them; nor would it avail them to plead that Parliament had sanctioned the delay, and were satisfied with the reasons urged for it, inasmuch as Parliament had been deceived by those noble lords in the statements made to it, and the hopes which had been erroneously held out. Protesting, therefore, against the principles and the arguments assumed by those noble lords in justification of their conduct; and reserving till a future but early day, that discussion which their conduct must necessarily undergo, far be it from him, by any captious objection to the supplying the necessities of the public service, to increase the exigency which already pressed heavily enough upon the country. He therefore should of course give his vote for the Resolution, with the exception that he should object to the words of it remaining so general, inasmuch as they were called upon to act under the necessity of the case; and they ought not, in the exercise of the power which they were compelled by circumstances to assume, to go beyond the actual necessity which called for their interference.

Lord Redesdale, after admitting that no blame could be imagined to attach to the noble baron (Grenville), stated, that he did not consider the whole Executive functions as completely suspended. Many of them were still carried on upon the authority of the King's political capacity—and it was only necessary to supply the defect in those cases which required the King's personal interference. This was one of those cases—but he suggested, that in point of form, instead of giving effect to an illegal warrant, it would be better to

order the issue to be made through the medium of the Privy Seal, and he hoped that an Amendment to attain that object would be moved.

Lord Grenville said that the same objection as to the form of the present Resolution, had occurred to him—and that he would himself have moved the Amendment suggested by the noble and learned lord, had he not been restrained by the predicament in which he stood, from urging any thing that could by any possibility be construed into a desire to interpose unnecessary difficulties.

The Lord Chancellor was as ready to do justice to the motives of the noble baron (Grenville), as his noble and learned friend (Redesdale) could be. He admitted, that officers in such situations as that of Auditor of the Exchequer, were to be guided by different principles from those that under special circumstances must regulate the conduct of the great State Officers. The question now was, whether they should agree to command the issue of this money, which had been declared to be necessary for the public service? How that necessity had arisen, was a distinct question, completely open to discussion on a future occasion, when the whole conduct of Ministers should be brought under the review of their lordships. In answer to those who might ask why he had not made use of the Great Seal, he had to observe, that it did not appear to him how he could have employed the Great Seal to draw money for such services as these. He had thought that the Privy Seal might have been used, and the person holding it, he believed, would not have refused—but the difficulty, of which their lordships were aware, had arisen, and this application for the interference of the two Houses had become necessary.

Lord Spencer preferred the proceeding by a Privy Seal Bill to that of giving effect to a Treasury warrant, because more similar in principle to a Commission for opening the Parliament, and more consistent with the usual forms of the Exchequer. But he thought the whole course adopted by Ministers completely wrong, and it was no slight proof of the most unconstitutional and illegal nature of their proceedings, that they had been checked by such obstacles as these. It had been said, that the noble earl (Westmoreland) who held the Privy Seal, would not have refused to employ it. He himself had held the Privy Seal, and he referred to the oath of office taken by the Keeper, to see whether there was not some reason to have apprehended a difficulty in

that point. The words in the oath, to which he particularly requested the attention of their lordships, were these, "that the person holding the Privy Seal should not use it without the King's special command. He would not take upon him to determine what construction others might put upon these words, but he thought no power on earth would have induced him to use the Seal without the King's special and direct authority. There was no such clause in the oath taken by the Keeper of the Great Seal, but even in that oath there was one which might have raised some doubt. After stating that the conduct of his noble friend (Grenville) had been perfectly correct in every particular, he did justice to the candour of the Ministers, in admitting that the vote of this night would not in the least screen their conduct from future investigation; but he would have more applauded that candour, if the noble Secretary (Liverpool) had for the present abstained from that detailed defence of the Ministers into which he had entered. The two Houses had voted, that it was their right and duty to supply the defect of the Royal Authority, but they had not therefore determined that they should take upon themselves to do an executive act; and yet this they were now for the first time called upon to perform, though they had been told by the Ministers, that no serious inconvenience could arise from the delay in supplying the defect in the Royal Power! They were now, by the criminal concealment practised by Ministers, reduced to a most dangerous dilemma; and the only way to get out of the difficulty was to trace back their steps, and address the Prince of Wales to assume the Executive Authority, as their ancestors had addressed the Prince of Orange in 1688.

Earl Westmoreland, called on as he had been by the noble earl (Spencer), could not be silent on this occasion. He should not, however, go over topics which had already been discussed, but should confine himself merely to the consideration of what might have appeared to be the duty of the Privy Seal, confided to his care. For one, he should be ready to meet the charge of the noble lord, as to the conduct of Ministers in the whole of this transaction; nay, he challenged inquiry, being confident that it would appear that the whole of their proceedings had been not only free from blame, but, what was far more, that they had been meritorious. He was free to declare, that so far as he was concerned, and so far as the necessity of coming before Parlia-

ment, or of having recourse to the issuing of a warrant by the Lords of the Treasury, could have been averted by the exercise of the Privy Seal, he, as being entrusted with the keeping of that Seal, should have been willing to have taken the responsibility of affixing the Seal upon himself. Ministers had a duty to perform; they must have performed that duty, or they must have let it alone; if they did perform it, they thereby incurred a great responsibility; but the only question was, would they incur this responsibility for the good of the country, trusting to the country for an indemnity—or would they desert their duty, and leave the country to its fate in a time of emergency?—He would have thought himself unworthy of the trust reposed in him, could he have besitated about encountering this responsibility; and it was only from the scruples of another person, whose province it was to prepare the bill, that he had not, by taking the responsibility on himself, prevented the necessity of the present application to Parliament. As to the oath alluded to by the noble earl, he could only say, that the duty of Privy Seal was pointed out by an explanatory Act of Parliament, referring him to look at the Signet, which, if regular, was all that was required, so that the duty of the Privy Seal seemed rather of a ministerial nature.

Lord Holland wished that the noble earl, like the noble and learned lord late on the Woolsack, had confined himself strictly to the question before the House, leaving the merits or demerits of Ministers to be considered on some future occasion. He, however, should follow the example of the noble and learned lord, and should leave the conduct of Ministers to be judged of in its proper place. He could not help, however, expressing his surprise at the suggestion of another noble and learned lord (Redesdale), that the House should issue its orders to the Privy Seal to act in this matter contrary to their oaths of office; he who was so great an enemy to the dispensing with oaths appointed to be taken by persons in other circumstances! *(a laugh.)*—That noble and learned lord had also thought that his noble friend (Earl Spencer) had seen a complacency in the noble and learned lord's countenance, in consequence of a supposed concurrence in some of the statements of that noble and learned lord. Could the noble and learned lord, or could the House, suppose that he (Lord Holland) should feel complacency either in his face or in his heart, at finding not a single argument or statement of his assented to; but every

single part of his statement of the other night verified and proved—how much reason had he now to exhibit such complacency? For how completely in every part did the proceedings of this night verify his predictions of a former night, if the plan then recommended by him was not adopted? (*Hear! hear!*)—But he could not in his countenance exhibit such complacency, for he was incapable of feeling it in his heart. (*Hear! hear!*) He felt for the situation in which the country was placed, in consequence of the novel and unconstitutional mode of proceeding which the two Houses had adopted. The dilemma to which the House was now reduced—the emergency in consequence of which they were now called on to provide the means of authorising the issues of public money for the naval and military services of the country—the necessity which was now pleaded as an excuse for the two Houses of Parliament assuming to themselves the exercise of the Royal Functions—he had warned the House must sooner or later occur, and must assuredly overtake them before they had supplied the deficiency in the Executive Power, if they did not adopt the course he had pointed out. That course his noble and learned friend had now conjured them to revert to. He (Lord Holland) most fervently concurred in that recommendation. By adhering to the plan they had first adopted, they could only run farther into error; and necessity would be pleaded upon the back of necessity, till at length the assumption of the power of the King would become with them a thing of course—a matter of every day's practice.

> "The fastest goes, and goes astray,
> "Still farther runs from the right way."

The wording of the Resolution he conceived to be extremely objectionable. The term "*command*" was one which had never been used, even by the Long Parliament, till the very moment when they were about to deprive the King entirely of his sovereign authority.—By addressing the Prince of Wales to take on himself the management of the military and naval affairs of the country, and also to order the issues of the public money for the service of the State, even till their Bill should pass, if the Houses of Parliament were resolved to proceed in that manner, all such difficulties as the present would be guarded against, and he conjured the the House to adopt this mode of proceeding.

Earl Rosslyn begged to call the attention of their lordships only to one circumstance which had not yet been remarked on, namely, that they were called on by the present Resolution to go infinitely beyond the object avowed by the noble Secretary, for, instead of the Resolution being confined to the sums in the Appropriation Act alone, it comprehended the three millions granted by the vote of credit also. Were their lordships, then, without even any alleged necessity, to put this sum at the disposal of Ministers, thereby superseding to that extent the authority of the Sovereign, in the event of recovery, over a sum confided by Parliament to his Royal discretion?

The Earl of Liverpool explained, that the disposal of any part of this sum was, by the Resolution, confined to the services of the Navy, Army, and Ordnance, to deficiencies arising in which services it was customary at this season of the year to apply any part of the vote of credit which remained undisposed of.

The Marquis of Lansdowne referred to the sentiment which had been so often stated in the course of these discussions, that "whatever was created by necessity, necessity must limit." Now if this maxim were to be applied to the present case, it would not follow that because a certain sum of money might be immediately necessary for military or naval services, that therefore Ministers should have a general authority to call for what they pleased, even out of the vote of credit, for that purpose. The vote of credit was generally supposed to be given to provide for unforeseen events, and not for the regular expenditure of the Army and Navy. It was supposed that this sum enabled his Majesty to give what subsidies circumstances might require to foreign states; and the surplus, to be sure, was to be carried to the general expences of the year. However irregular this application might be, yet, rather than stop the issue of money actually necessary for the Army or Navy, he would vote for it; but he did not conceive himself called upon to vote for more than the actual necessity required. Without, however, wishing to protract the discussion, he would move an amendment (principally with a view of it being put upon the Journals) which would bring the vote up to the necessity which had been stated to exist. His amendment was, "that the Lords of the Treasury should be empowered to issue their warrants for the sum of one million, one half of

which to be applied to the service of the Army, and the other half to that of the Navy."

The Earl of Lauderdale could not conceive that the authority for making the issues for the Naval and Military services should be limited to the period when the deficiency in the Royal Authority should be supplied, alone, but should contemplate the recovery of his Majesty also. He should therefore move an Amendment to that effect.

Lord Holland said, he should also on the report move as an Amendment, that the word "*command*" in the Resolution be changed into the word "*order*," it being his wish that this Amendment should appear on the Journals.

The Resolution was then put and agreed to.

On bringing up the Report, the Amendments of the Marquis of Lansdowne, and of Lords Holland and Lauderdale, were severally put and negatived without a division. The Report was agreed to without any Amendment, and a message was ordered to be sent to the Commons, requesting a conference on the subject of the said Resolution.

Lord Holland presented a petition from the Mayor, Aldermen, and Corporation of the borough of Nottingham, praying that the Prince of Wales might be appointed Regent without any limitation or restriction.—Ordered to lie on the table.—Adjourned.

HOUSE OF COMMONS.

SATURDAY, JANUARY 5.

ISSUE OF MONEY.

Mr. Long was ordered to carry to the Lords the Resolution of last night, authorising the issue from the Exchequer of the sums voted during the last session of Parliament, for the Army, Navy, and Ordnance, and to request a conference with their lordships thereon, and their concurrence in said Resolution.—On Mr. Long's return, he informed the House, that the Lords had appointed a conference forthwith in the Painted Chamber on the subject of said Resolution.—Mr.

Long, Mr. Secretary Ryder, the Lord Advocate and Solicitor General of Scotland, Mr. Manners Sutton, Lord G. Thynne, &c. were appointed to manage the conference on the part of the Commons, and went forth accordingly for that purpose. On their return, Mr. Long informed the House that they had had a conference with the Lords on the subject of the Resolution, and that their lordships had agreed to take the same into consideration.

A message was afterwards brought from the Lords, desiring a conference with the Commons on the subject matter of their conference of 1st Jan. instant.

The same Managers were appointed to conduct this conference, who on their return presented a copy of the Resolutions of that House relative to the Regency, as they had been amended last night in the House of Lords; to which amendments the Lords had requested the concurrence of the House of Commons.—On the motion of Mr. Secretary Ryder, the Amendments were read a first and second time, and ordered to be taken into further consideration on Monday next, to which day the House adjourned.

HOUSE OF LORDS.

MONDAY, JANUARY 7.

ISSUE OF MONEY.

On the motion of the Earl of Liverpool, a message was sent to the Commons, desiring a conference in the Painted Chamber. The Deputy Usher of the Black Rod soon after informed their Lordships that the Commons were waiting for them.

The Lord President, the Lord Privy Seal, the Earl of Liverpool, and others of the Lords, were appointed to manage the conference on the part of their Lordships.

Earl Camden (the Lord President) informed the House, on their return, that the Resolutions respecting the public issue of money communicated to the House by the Commons at a conference on Saturday last, and then agreed to by their Lordships, had been returned to the Commons at the present conference.—Adjourned.

HOUSE OF COMMONS.

MONDAY, JANUARY 7.

THE REGENCY.

The Lords' Amendment to the Resolution for restricting the Regent from making Peers, leaving out the words "except such persons as have achieved any services naval or military," was then submitted to the consideration of the House.

The House agreed to the Amendment *nem. con.* without any observation being made. A message was then ordered to acquaint their Lordships, that the Commons had agreed with their Amendment.

The Chancellor of the Exchequer then rose and said, that as the two Houses had now agreed on their Resolutions, he trusted they would also concur in appointing a Committee to attend his royal highness the Prince of Wales, and her majesty the Queen, with the Resolutions which the two Houses of Parliament had agreed to. The Committee who were to wait upon the Prince should inform him that the two Houses of Parliament, considering on the means of supplying the deficiency in the Royal Authority, had resolved to empower his Royal Highness to take upon himself the office of Regent, subject to such limitations and restrictions as appeared to them to be proper in the present circumstances; and they were also to express their hope, that in his regard for his Majesty and the nation, his Royal Highness would take upon himself the weighty and important trust reposed in him, as soon as a Bill should be passed for that purpose.

He should also move, that the Committee should wait upon the Queen, and inform her Majesty of the Resolutions of the two Houses of Parliament, confiding to her Majesty the care of the Royal Person, and the management of such parts of the Household as was necessary for his comfort; and expressing a hope that her Majesty would take upon herself the important trust reposed in her, as soon as a Bill should pass for that purpose.

Two Resolutions were then proposed to that effect by the Chancellor of the Exchequer. They were agreed to unanimously, and ordered to be communicated to the Lords in a conference.—Adjourned.

HOUSE OF LORDS.

TUESDAY, JANUARY 8.

THE REGENCY.

Lord Clive came up from the House of Commons requesting a conference on the subject of the second Resolution, which their Lordships had amended by the insertion of the words "spiritual and temporal." The conference was accordingly held in the Painted Chamber. The managers on the part of the Lords, on their return to the House, informed their lordships that the Commons had agreed to the second Resolution with the amendments.

ADDRESS TO THE PRINCE.

The *Earl of Liverpool* then moved, that the Lord President of the Council and the Lord Privy Seal be appointed to attend his Royal Highness the Prince of Wales, on the part of their Lordships, to address his Royal Highness, to take upon him, &c. in terms corresponding with the Resolution on that subject. Agreed to, *nem dis.*

ADDRESS TO THE QUEEN.

The Earl of Liverpool rose and moved, that the Earl of Harcourt and Lord Douglas, of Locklevin, (Earl of Morton), be appointed to attend her Majesty, with an Address pursuant to the Resolution passed on that subject. Agreed to, *nem. diss.*

The Earl of Liverpool then moved, that a message be sent to the Commons, acquainting them with the two last Resolutions. The message was accordingly sent.

PROXIES.

The Lord Chancellor rose, and alluded to the questions that had recently arisen concerning the right of voting by proxy, which rendered it necessary that their lordships should come to some clear and defined understanding upon a subject so important to the privileges of the House of Peers. He should therefore move that the report of the Committee appointed to examine into the cases of proxies admitted in similar circumstances, should be taken into consideration on Friday next. He also moved, that the

circular letter written by the request of their lordships to each member, be referred to the said Committee. His object in moving this, arose out of the stress laid on the subject by some noble lords in the recent discussions. He intended on Friday to submit to their Lordships four Resolutions, which he read. Their object was to declare generally, that Proxies should at all times be admitted in all cases when there was no regulation or standing order forbidding their use: and that on a division where no previous Parliamentary decision had been made on the subject, the tellers appointed by the House should not be competent to refuse proxies, &c. The noble and learned lord's motion was agreed to, *nem. diss.*

Adjourned till Thursday.

HOUSE OF COMMONS.

TUESDAY, JANUARY 8.

PROXIES.

Lord Clive having been directed to signify to the House of Lords the request of the Commons, that their lordships would hold a conference with the Commons, appeared at the bar, and acquainted the House that their lordships had agreed to the conference, and appointed the Painted Chamber for holding the same forthwith.

A Committee was then appointed to manage the conference.

A message from the Lords was delivered by two Masters in Chancery, requesting a conference in the Painted Chamber, on the subject of the last conference.

The Masters in Chancery having withdrawn, were again called in, when

The Speaker addressed them in these words:—"I am commanded to acquaint you that this House will proceed to the conference as desired by their lordships."

The same Committee was appointed to manage this conference as in the preceding case, and went forth immediately, the Speaker intimating to the House, that any other members were at liberty to attend the conference.

Lord Clive shortly after reported from the bar, that the managers for the Commons had held a conference with the Lords, as desired, in the Painted Chamber, in which conference the Lords' Committee informed them, that their

lordships had agreed to the Resolutions communicated to their lordships in the last conference, and had filled up the blanks in the same with the words "the Lords Spiritual and Temporal."

Another message from the Lords informed the House, that their lordships had appointed the Lord President of the Council, and the Lord Privy Seal, to wait on his royal highness the Prince of Wales with the several Resolutions agreed to by both Houses of Parliament for supplying the defect in the exercise of the Royal functions; and also that they had appointed the earl of Harcourt and lord Douglas to attend her majesty the Queen, with the Resolution and Address agreed to by both Houses of Parliament, respecting the care of his Majesty's Person, and such part of his Royal Household as may be necessary for the due comfort and attendance of his sacred person, and required that House to appoint a proportionate number of its members to attend in both instances, with the lords appointed by their lordships.

It was then ordered, on the motion of the Chancellor of the Exchequer, that the following four members should go up with the lords appointed by the House of Lords, to his royal highness the Prince of Wales. The Chancellor of the Exchequer, Mr. Secretary Ryder, Mr. Robert Dundas Saunders, and the Master of the Rolls. The members ordered to attend the Queen, lord John Thynne, lord Palmerston, lord Clive, and Col. Desbrow.—The House then adjourned to Thursday.

HOUSE OF LORDS.

THURSDAY, JANUARY 10.

PROXIES.

Their Lordships assembled at ten o'clock, and soon afterwards the Lord Chancellor took his seat on the woolsack.

In the absence of the Deputy-Usher of the Black Rod, the Serjeant-at-Arms (Mr. Watson) announced at the bar a message from the House of Commons. It was ordered, that the messengers be called in.

Lord Lovaine, and several members of the House of Commons, brought up a message, acquainting their lord-

ships, that the Commons had appointed a Committee to go with the Lords Committee, to wait upon his royal highness the Prince of Wales with the Resolutions and Address of both Houses, for supplying the defect in the personal exercise of the Royal power; and also, that they had appointed a Committee to go with the Lords to wait upon her Majesty with the Resolution and Address of both Houses.

The Earl of Liverpool gave notice, that if the answer from her Majesty, and from his royal highness the Prince of Wales, should arrive in the time he expected, he would to-morrow propose for their Lordships consideration a Resolution similar to the one agreed to on the 31st of January, 1789, respecting the opening of Parliament by Commission.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, JANUARY 10.

NEW WRIT FOR GLOUCESTERSHIRE.

Mr. Howard moved, that the Speaker do issue his warrant for a new writ for the election of a Knight of the Shire for the county of Gloucester, in the room of lord Dursley, now earl Berkeley.

The Speaker asked the hon. member, whether he was prepared to add to his motion, the usual words used on such occasions, "called up by writ of summons to the House of Peers."

Mr. Howard replied, that he was not prepared to add these words, because in point of fact no such writ of summons had been issued. He apprehended, however, that there would be no objection made to his motion, inasmuch as it was an established fact that the representation for the county of Gloucester was now defective. That House, he was persuaded would not consider itself bound to wait the forms of the other House respecting the issuing of such writ of summons, nor keep the county of Gloucester without a representative pending the suspension of such summons. But if there could be a doubt entertained upon the subject, that doubt would be removed by reference to the authority of a great man, who had filled the chair of that House with great ability (he meant Mr. Speaker Onslow), as it was to

be collected from a note in Mr. Hatsell's valuable book of precedents. By consulting that note, they would find it stated on the authority of that great man, "that in cases of the creation of peers (a part of the question which he would not then touch upon), and also in cases of peers succeeding to the peerage by descent, it was not necessary for the House of Commons to wait for the summons to the other House, but the House may proceed immediately to direct a new writ to be issued." The House would observe that this doctrine was strictly applicable to the case under consideration: for where a person succeeds to a title as eldest son, he becomes immediately a peer, incapacitated to hold a seat in that House; and consequently it was the duty of that House to proceed, without delay, to supply the vacant seat. Besides, as the writs of summons were simply writs of service, it could not be maintained that the House of Commons was bound to wait till the issue of such writs. He felt justified, therefore, in contending, that not only upon the analogies of the case, but upon the reason of the thing, his motion ought to be agreed to. As to the analogy of the case, he would beg of gentlemen to consider how the question stood with regard to Scotch peers. In the case of the demise of a Scotch peer, not being a Lord of Parliament, his eldest son succeeded to his title, and became immediately disqualified for a seat in that House. No writ of summons was to be expected in that case, nor did that House require more than a certificate of the fact of the descent from two of its own members, to induce it to direct the issue of a new writ. He begged of gentlemen also to consider what might be the consequence of waiting for the summons to the other House. No such summons was ever issued but upon the application of the individual claiming the title. It might therefore so happen, that a person in the situation of the noble Lord, whose seat was now vacant, by omitting to apply for such summons, might keep the place he had previously represented during his pleasure unrepresented. It appeared to him, therefore, not to be necessary to wait for such summons, unless upon the grounds of expediency or of inconvenience with respect to the individual or the public. With respect to the individual he must observe, that if the motion could be construed as hostile towards him, he could assure the House that he should not have been the person to make it; and as to the question of public inconvenience, he was satisfied that it was all on the contrary

side. Considering, therefore, that the House of Commons was not bound to regulate its internal Constitution by the proceedings of the other House, he was of opinion that it was the duty of that House to provide for the perfect representation of Gloucestershire by agreeing to his motion.

The Speaker then rose and observed, that before he should put the question, he might perhaps owe it as an apology to the honourable member, and it might be also for the convenience of the House, that he should state what had been the practice of the House on similar occasions, and why he had put the question to the honourable member, when his motion was first submitted to the House. He believed that upon reference to the journals it would be found to have been the invariable practice, to require the addition of the words, "called up to the House of Peers," as the grounds of a motion for a new writ: and though he was ready to admit, that in the instance quoted by the hon. gentleman, the authority of that great man, Mr. Speaker Onslow, appeared to sanction a different practice, all the cases on the journals shewed the practice to have been invariably to require the words he had stated to be expressly and distinctly used as the grounds of the motion. In the case of Lord Carnarvon, in 1744; of Lord Cobham, in 1753; and in all the other cases that had occurred in the time during which the chair of that House had been filled by the authority alluded to, the practice was uniformly what he had already explained to the House. He wished the Clerk to read the entries from the Journals of the 14th and 15th of February, 1809, the last case which had occurred. [Here the Clerk read the entry of the 14th of February, 1809, which stated, that a new writ had been ordered for the election of a burgess for Stamford, in the room of General Bertie, then Earl of Lindsay, called up to the House of Peers.] The entry for the 15th of Feb. stated, that it having appeared that no summons had been issued, calling General Bertie to the other House, the order for a new writ for the borough of Stamford on the preceding day was superseded. The Speaker also directed the Clerk to read the clause in the Act of Parliament authorising the Speaker to issue warrants for new writs in such cases, on the certificate of two members, that the person in whose room the writ was to issue for another member had been called up to the House of Peers. He had thus stated to the House what he had been able to collect from the Journals

as to the practice of the House, and should now put the question, "that the Speaker do issue his warrant for making out a new writ, for the election of a member for the county of Gloucester, in the room of Lord Dursley, now Earl Berkeley."

Mr. Howard observed, that he had omitted to state that the decision of that House last session, when a petition had been presented from certain electors of Gloucestershire, denying that Lord Dursley had a right to his seat in that House, he having omitted to give in any qualification at the election, was a recognition of him as heir-apparent to the late Earl Berkeley.

The Chancellor of the Exchequer, after the perspicuous explanation of the practice of the House which had been just delivered from the Chair, did not suppose that the House would, in this instance, depart from its invariable practice. As to the case of the petition alluded to, he was one of those who were of opinion that it ought to have been inquired into. He had no hesitation, however, to state, that on that occasion he declared that the division of the House respecting the petition could not have any effect upon the other question to be decided elsewhere. The consideration of that case, therefore, should be left out of this discussion. With respect to the inconvenince that had been adverted to as arising from keeping the county of Gloucester unrepresented, that might be a ground for such a motion as the present. But even in that case, the House would be cautious of agreeing to the motion, where any doubt existed, till the doubt should be removed by the decision of the competent tribunal. The individual should be left, therefore, to the operation of the regular course, and no writ of summons could issue till the removal of any doubt that existed. Besides, if the new writ were to be issued, and another election to take place, and if it should afterwards appear that the individual had a right to the title of Earl Berkeley, the House would, in fact, have deprived the county of Gloucester of its legal representative. He would put it to the House, then, whether they would agree to this motion, when in the course of two or three days, at farthest, the Parliament would be opened, and the Lords would most probably take up this question on an early day. He was persuaded, that upon consideration, they would wait a few days for the decision of a competent authority upon the doubtful question. As to the case of Scotch Peers,

he must observe, that as no writs of summons could issue in such circumstances, the House was compelled to act upon the evidence it could obtain. The cases, therefore, were not similar: as in the case of English Peers, writs of summons were invariably required; in the other case, no such writs were necessary. He should not negative the motion, because, though not expedient at present, it would be a proper motion to be made in some time. He concluded by moving the previous question.

Mr. Whitbread concurred with the right hon. gentleman in thanking the Speaker for his explicit statement of what he conceived to be the practice; but he must observe, that it appeared to him that no precedent applied to this case, because it was one that had never before occurred. In the Stamford case, General Bertie claimed his right to a seat in that House, till the decision of the question of his right in the other House. But the right hon. gentleman, in his view of it, had not stated the whole of the question. It was in fact a question whether Gloucestershire should be suffered to remain unrepresented for an indefinite time. They had nothing to do with the case to be decided elsewhere. If it should prove that Lord Dursley had the right to the peerage as oldest legitimate son of Earl Berkeley, then he would be a member of the other House; if not, then he could not sit in that House, he having taken his seat in it as heir-apparent to the late Earl Berkeley. In either case the seat would be vacant, and consequently the new writ ought to issue. Besides, it should be remembered, that when the House was on a recent occasion called, the name of Lord Dursley was very properly put by. That, he contended, was a recognition, on the part of the House, of Lord Dursley as Earl Berkeley. When the petition alluded to was under consideration last session, Lord Dursley in a manly way declared that he had given in no qualification, because he claimed to be, as he contended he was, the heir-apparent of Earl Berkeley. The House rejected the petition, and admitted Lord Dursley to retain his seat as heir-apparent to Earl Berkeley. If they were to go on as the right honourable gentleman opposite proposed, it might so happen, that the county of Gloucester might continue unrepresented during the whole of this parliament. With respect to the opinion of Mr. Speaker Onslow, which had been quoted from the note in Mr. Hatsell's book, it appeared to him clear, that, as no such case as the present had ever before occurred, that eminent parlia-

mentary authority had foreseen the possibility of such a case, and recorded his opinion respecting it. Upon the ground of such a high authority, therefore, he would contend, that it was not necessary to wait for the issue of a writ of summons. It would not avail to affect or discredit the validity of the opinion alluded to. Every member of parliament was in the habit of considering Mr. Hatsell's book as of high authority. He would beg the House, too, to consider how it stood with regard to Gloucestershire. It was well known what a degree of heat and fever had been excited there by the approach of an election sharply to be contested by opposing parties. Was that a state in which it would be desirable to leave that populous county? It was impossible for the House, by rejecting this motion for a new Writ, to tell the electors of Gloucestershire that they must still continue unrepresented. Having recognized Lord Dursley as legitimate heir to his late father, they were bound to act upon that recognition, by considering him now as Earl Berkeley, and maintaining in the rights of the electors of Gloucestershire, the rights of the people of England. As no inconvenience could possibly arise either to the individual or to the public, from granting the writ, he was determined to oppose the previous question.

Mr. C. W. Wynne differed in his view of this question from his hon. friend, who had just sat down. If it should turn out that Lord Dursley had no right to the title of Earl Berkeley, and in consequence of agreeing to the motion for a new writ, an election should take place, the House would be bound to supersede such election. It had been much insisted upon, that unless the writ should be issued, Gloucestershire would be unrepresented. But there had been cases of persons sitting in that House until the report of the Committee of Privileges in the other House had decided their claims to the peerage. He was of opinion that Lord Dursley might continue to sit in that House till the decision upon his claim in the other House. If there could be any suspicion entertained of any combination for the purpose of keeping the county unrepresented, the House would undoubtedly be bound to proceed. But there had been no unnecessary delay in this instance. The regular course of proceeding would be by a petition to the King on the part of the individual, which petition would then be referred by his Majesty to the House of Lords, where the claim would be decided in the Committee of Privileges.

He had been of opinion last Session, that it was inconvenient and inexpedient to enter into the discussion of a question, which would more regularly be decided on the death of the late Earl Berkeley. When it was considered, that in the course of a few days this question would be determined by the competent tribunal, he thought the House would feel the propriety of abstaining from issuing the writ. Though Lord Dursley might be proved by that decision, not to be entitled to the earldom, it would not follow, that that House was to declare his former election void.

Mr. Abercromby contended, that the question that first presented itself on this subject was, whether, finding themselves in a difficulty, they should not exercise their discretion; and the next was, how far they were to exercise that discretion. For himself, he was convinced that if they found themselves in any embarrassment, they were bound to lean to the side of the electors. They were bound to maintain the rights of the people. He besought the House to enter calmly into the question, and to consider what entries would appear on the subject on their Journals. The first entry was, that Lord Dursley had taken his seat in that House as eldest son and heir-apparent to Earl Berkeley: the next entry was the rejection of a petition denying his being so qualified: and if the motion of the right honourable gentleman opposite should be carried, the last entry would be, that, after having, by suffering Lord Dursley to sit as heir-apparent to Earl Berkeley, recognised him as such, and having rejected a petition denying him to be what he was represented to be, both by the Earl and Countess of Berkeley; on a motion made for the issue of a new writ on his succeeding to his father, that House, notwithstanding the previous entries, got rid of such motion by the previous question. If the motion should be so disposed of, he would not consider it as acting reasonably on the part of that House towards the electors of Gloucestershire. He should therefore support the original motion.

Mr. Horner wished to say a few words, explaining the principles on which he meant to give his vote. The first was, that the peerage was a complete incapacitation for a seat in that House. The next was, that persons in the situation of the noble person in question must be taken to be peers until the decision of the competent tribunal upon their claims. That House having recognised that individual as heir-apparent to the late Earl Berkeley, he would contend

that it was bound to take him to be a peer, and that it was no part of the law of England that the issue of a writ of summons should be waited for. In the case of Lord Banbury, though no writ of summons had been issued, the Court of King's Bench took cognisance of the right on a question respecting the right of trial by peers, and decided accordingly in its favour. The question then was simply this, that the peerage disqualified for seats in that House. The Scotch Peers having become Peers of England at the Union, were consequently disqualified. The Peers of Ireland, by a clause in the Union Act, are permitted to sit in that House, provided they waved their right as Peers. It was his opinion, therefore, that that House and the Courts below were bound to recognize the right of Lord Berkeley, until some Court of competent jurisdiction shall have decided against it. Infinite mischief might result from the contrary principle. He should not, in deciding what vote to give, take into his consideration the rumours in circulation. If precedents in the affirmative were multiplied an hundred fold, they could not apply to this case. In the Stamford case the writ had been superseded on proof that it had been obtained on allegations not true in fact. If ever there could be a time for issuing such a writ, and rendering full the representation of the people, it was the present, when questions of such vital importance and lasting consequence, were expected to be brought under consideration. As to the delay of a few days being likely to produce a decision in the other House, that was not to be expected, in the course even of the present parliament. There were several other claims pending, which would have precedence. He should, therefore, support the motion.

Mr. Long contended, that the Stamford precedent was exactly in point. The invariable practice of the House was clear, and this practice too had been recognised in the Act of 1784, for authorising the Speaker to issue Writs, during a recess or adjournments of session, on the certificate of two members, that in case of the death of a Peer, the successor had been called up to the House of Lords.

Mr. Whitbread explained.

Sir S. Romilly observed, that in substance the question was clear. The county of Gloucester was at present unrepresented, and might continue unrepresented, if the writ now moved for should not be issued. Even though the Parliament should be opened in the time stated by the right

honourable gentleman opposite, it did not follow that the question could be decided in the other House within any reasonable time. The course to be pursued, as he understood the case, was by petition on the behalf of the claimant to his Majesty, which petition would then be submitted to the Attorney-General, and afterwards referred for decision to the Committee of Privileges in the House of Lords. It must be quite plain, then, that in the defect at present existing, no petition could be presented till a Regent should be appointed. The bill intended to be brought forward for that object would probably occupy some days; and was it right that the county of Gloucester should be unrepresented during that time? It had been well observed, that it was of great importance to the county of Gloucester not to remain any longer unrepresented, and also that in no event, whatever may be the decision in the other House, whether the title of Earl Berkeley be confirmed, or the contrary be the case, can the late representative retain his seat in that House. Was it to be contended, under such circumstances, that the representation of Gloucestershire should continue still incomplete? The Stamford case had been much dwelt upon, but that did not apply. General Bertie did not claim as heir-apparent to Lord Lindsay, as Lord Dursley did to Earl Berkeley; and, indeed, the cases wherein doubts had existed were cases of claimants as heirs-presumptive, not heirs-apparent. He would leave it to the House, then, whether, because no case exactly in point could be found, they ought to suffer an observance of forms to interfere with the substantial rights of the electors of Gloucestershire? Their late representative, claiming as heir-apparent to a Peer, must be taken as a Peer, and his seat in that House filled up. As to the Act of 1784, it did not apply to this case, because it was impossible that the Legislature could have intended the operation of that act to extend to cases of that description. When the substance of the question was so clear, he would not suffer his vote to be governed by idle forms, and should therefore support the original motion.

After a short explanation from Mr. Wynne, the House divided.

For the previous question - - - -	24
Against it - - - - - - -	30

The main question was then carried, for issuing the Writ, and the House adjourned.

HOUSE OF LORDS.

FRIDAY, JAN. 11.

CITY PETITION.

The Duke of Norfolk presented the petition of the Lord Mayor, Aldermen, and Common Council of the City of London, respecting the Regency. His Grace stated he had looked over the petition, and saw nothing in it objectionable. He therefore moved, that it be received and read.—Ordered, *nem. dis.*

ADDRESS TO THE PRINCE OF WALES.

The President of the Council (Earl Camden) rose, and stated briefly to the House, that he and the Lord Privy Seal (Earl of Westmoreland), in conjunction with the deputation of the Commons, had waited upon his Royal Highness the Prince of Wales, pursuant to the order of the House, with the Address voted by their lordships, to which his Royal Highness had returned them a gracious answer, which the noble Earl then read to the House. (*Vide Commons.*)

The Earl of Liverpool moved that the answer of his Royal Highness the Prince of Wales be printed and published. Agreed to, *nem. dis.*

ADDRESS TO THE QUEEN.

Earl Harcourt rose, and stated that he and Lord Douglas, of Lochleven, (Earl of Morton), in conjunction with the members deputed by the House of Commons, had, in pursuance of their lordships' orders, waited upon her Majesty the Queen, at Windsor, and had there presented to her Majesty the Address which had been voted by the House of Lords. The noble Earl then read the gracious answer returned by her Majesty.

The Earl of Liverpool moved, that the answer of her Majesty be printed and published. Agreed to, *nem. dis.*

THE AFFIXING OF THE GREAT SEAL.

The Earl of Liverpool rose again, and stated, that their lordships were now arrived at that point of time, in their proceedings upon the important business of supplying the existing defect in the exercise of the Royal Authority, at which they were called upon, in conformity to the prece-

dent on which they had hitherto proceeded, to adopt the means of affixing the Great Seal to the Bill, about to be brought in, enacting the establishment of a Regency in the person of his Royal Highness the Prince of Wales. The principle of this measure had been so amply discussed in that House already, that he did not feel it to be his duty to address their lordships at any length upon the subject. He should not, therefore, enter into any arguments on the question, unless something should fall from any noble lord which might require particular notice. It became necessary for him, therefore, only to state, that the Resolution he was about to move was strictly conformable with the Resolution moved in January, 1789, except one variation.—On that occasion, the name of his royal highness the Duke of York was inserted in the Commission; but at the request of his Royal Highness it was afterwards omitted, so that the Commission was passed and made out without his Royal Highness's name. On the present occasion, recollecting that circumstance, he had felt it his duty to make an application to the Princes of the Blood on the subject, requesting to know from them whether they had any objections to the insertion of their names in the Commission now to be made out. He had received from them an answer, expressive of their wish that their names should be omitted. This Commission would be framed accordingly, and would resemble that of 1789, not as it was at first proposed, but as it was passed by the two Houses of Parliament. Under these circumstances he would not longer detain their lordships, but should proceed to move, that letters patent be issued, authorising the affixing the Great Seal to the Bill to be brought in, enacting the establishment of the Regency in the person of his royal highness the Prince of Wales, in the King's name, by and with the advice of the Lords Spiritual and Temporal, and Commons in Parliament assembled, the form running in the usual terms.

Earl Grey rose, and said, that as he had not had an opportunity of attending the House during the previous discussions on this important subject, he should be extremely unwilling to trespass long upon the attention of their lordships; or, by protracting their debates, to delay the accomplishment of that most necessary object, the establishment of a legitimate Government of the country. But, when he found their lordships upon the point of assuming the especial powers of the Crown, in making use of the Great Seal

to pass an Act of Parliament—an act, which he thought beyond the just and constitutional exercise of their lordships' authority—he could not refrain from expressing distinctly the strong opinions he had ever entertained, and still firmly held on the whole of this subject: he therefore embraced the opportunity that now offered, of declaring his entire concurrence in the opinions of those who had given their opposition to the proceedings of Ministers on the question of the Regency, which had been already stated more ably than it was in his power to state them. He declared that his objections to those proceedings were insuperable on every ground of reason, of the analogies of the Constitution, and of the practice of our ancestors, so far as in any manner, and from any sort of precedent, that practice could be collected or inferred. The mode of proceeding adopted, he declared to be, in his firm conviction, a mode by which, under the pretence and appearance of observing the forms of law, the laws of the country were violated; by which, under the pretence of adhering to the practice of the Constitution, the Constitution itself was impaired; by which, under the pretext of supporting the interests and asserting the rights of the Monarchy, the Monarchy itself was injured, and the most dangerous precedent was set against its future interests and dignity. He should content himself with these general declarations, convinced as he was, that in attempting any thing further, he could add nothing to the powers of reasoning, the depth of learning, the knowledge of the Constitution, and the force of eloquence, which had already been displayed, in opposition to the conduct of Administration. Still, he could not suffer this extraordinary measure to pass that House without stating to their lordships, that, if they did assume the functions of the Kingly office, in making use of his Great Seal to give the forms and sanctions of law to a measure for supplying the defect in the exercise of the Kingly power, they ought, even admitting their principles, to have proceeded by a much less objectionable mode. If they thought themselves really authorised to do what they were then going to do, they should come to a resolution, not such as was now submitted to them, but to a resolution for the affixing of the Great Seal to a Commission, by which they should appoint his royal highness the Prince of Wales the Commissioner, *(hear!)* authorising him to hold a Parliament, and to affix the Great Seal to the proposed Bill of Regency. *(Hear!)*

Had they proceeded in that manner, they would have had the third branch of the Constitution in existence. They might then have discussed all the provisions and clauses of the Bill, and they might have had the Royal assent given to it, without this most improper application of the Great Seal. There would then, at most, have been but one violation of the essential forms of the Constitution, and they would have been a Parliament legally constituted. He could not help throwing out these observations, looking upon this proceeding as one that was essentially and fundamentally dangerous, and for which there was no precedent in the history of the Constitution. It was in itself a gross violation of Law and Constitution, and it unfortunately begot, and rendered necessary, a series of other violations: while by the delays it created, it left them in the unconstitutional assumption and usurpation of the powers and functions of the whole Executive Government of the State.—He should then sit down, contenting himself with protesting against this whole system of violation of the Constitution of the country.

The Resolution was then read, on which a division took place, when the numbers appeared,

Contents - - - - -	53
Non-contents - - - -	33
Majority for the Resolution	—20

Adjourned till Monday.

HOUSE OF COMMONS.

FRIDAY, JAN. 11.

THE PRINCE'S ANSWER.

The Chancellor of the Exchequer stated, that in pursuance of the order of the House, the Committee appointed waited this day upon his Royal Highness, where they met the President of the Council and the Lord Privy Seal, on the part of the House of Lords. Having communicated to his Royal Highness the joint Resolutions of both Houses of Parliament, he was pleased to give the following answer:—

"MY LORDS AND GENTLEMEN,

"I receive the communication which the two Houses have directed you to make to me, of their joint Resolutions

on the subject of providing for 'the Exercise of the Royal Authority during his Majesty's illness,' with those sentiments of regard, which I must ever entertain for the united desires of the two Houses.

"With the same sentiments, I receive the expressed hopes of the Lords and Commons, that from my regard for the interest of his Majesty and the nation, I should be ready to undertake the weighty and important trust proposed to be invested in me, under the restrictions and limitations stated in those Resolutions.

"Conscious that every feeling of my heart would have prompted me from dutiful affection to my beloved Father and Sovereign to have shewn all the reverential delicacy towards him inculcated in these Resolutions, I cannot refrain from expressing my regret that I should not have been allowed the opportunity of manifesting to his afflicted and loyal subjects that such would have been my conduct.

"Deeply impressed with the necessity of tranquillizing the public mind, and determined to submit to every personal sacrifice consistent with the regard I owe to the security of my Father's Crown, and the equal regard I owe to the welfare of his people, I do not hesitate to accept the office and situation proposed to me, restricted as they are; still retaining every opinion expressed by me upon a former and similar distressing occasion.

"In undertaking the trust proposed to me, I am well aware of the difficulties of the situation in which I shall be placed; but I shall rely with confidence upon the constitutional advice of an enlightened Parliament, and the zealous support of a generous and loyal People. I will use all the means left to me to merit both.

"MY LORDS AND GENTLEMEN,

"You will communicate this my answer to the two Houses, accompanied by my most fervent wishes and prayers that the Divine Will may extricate us and the nation from the grievous embarrassments of our present condition, by the speedy restoration of his Majesty's health."

HER MAJESTY'S ANSWER.

Lord Clive then reported her Majesty's most gracious answer to the Committee which waited on her with the Resolutions of Parliament, and which was as follows:—

"MY LORDS AND GENTLEMEN,

"That sense of duty and gratitude to the King, and of obligation to the Country, which induced me in the year 1789 readily to promise my most earnest attention to the anxious and momentous trust at that time intended to be reposed in me by Parliament, is strengthened, if possible, by the uninterrupted enjoyment of those blessings which I have continued to experience under the protection of his Majesty since that period; and I should be wanting to all my duties, if I hesitated to accept the sacred trust which is now offered to me.

"The assistance in point of council and advice, which the wisdom of Parliament proposes to provide for me, will make me undertake the charge with greater hopes that I may be able satisfactorily to fulfil the important duties which it must impose upon me.

"Of the nature and importance of that charge I cannot but be duly sensible, involving, as it does, every thing which is valuable to myself, as well as the highest interest of a People endeared to me by so many ties and considerations, but by nothing so strongly as by their steady, loyal, and affectionate attachment to the best of Kings."

THE REGENCY.

The order of the day having been read, for the House resolving itself into a Committee of the whole House, for the further consideration of the State of the Nation,

The Chancellor of the Exchequer said, that before he moved the adjournment, he would wish to know something of the intentions of the gentlemen on the other side, as a guide to his conduct. He understood that the next business which would come before the House would be the consideration of the Resolution which would probably be sent to them by the Lords, for the purpose of opening the Parliament by virtue of a Commission under the Great Seal.—Now, he would wish to know from the gentlemen on the other side, whether this question was likely to give rise to a debate? If he thought it would, as Saturday had been always found an inconvenient day for any protracted debate, he would move that the House should adjourn to Monday. But if it was likely to be agreed to without a debate, then he should move for the House adjourning till to-morrow.

After a short silence on the Opposition bench,

Mr. Whitbread rose and said, that, for his part, he did not wish to cause any delay by further debating the question. He had already expressed his opinions on the general question, and he had recorded them in the vote which he had given. Since he was on his legs, he would ask the right honourable gentleman (Mr. Perceval), whether it was his intention to introduce in the Bill, that he was to bring in, any provision in case of a future recurrence of a similar calamity? The reason that he particularly wished to know the right honourable gentleman's intention on this subject was, that he himself had declared that it was a subject to which he would himself call the attention of Parliament, if it was not taken up by any other gentleman.

Mr. Adam expressed no wish to protract a debate upon the subject, however he must object to the principle upon which the proceeding rested. He would recommend it to his hon. friend (Mr. Whitbread) not to take any steps at present with respect to the object he had stated. Whatever was to be done on that head, ought to be done when the Houses were met as a Parliament, and not before.

Mr. Whitbread replied, that he was not going to take any steps at present upon the subject. He had only wished to know, what were the intentions of the Chancellor of the Exchequer.

Mr. Sheridan said, that it would be very hard indeed for the gentlemen on his side of the House to answer positively whether there would be a debate, or how long it would last. There were, however, some of them, who were bound by every principle of consistency to enter their protest against a measure, which they had already declared, was, in their opinion, of the most vital importance, and subversive of every principle of the Constitution. He himself had expressly stated on a former occasion, that he would conceive it his duty to make a stand against, what he conceived a most wanton and dangerous innovation on the Constitution. Although he, and perhaps some other members, might think it their duty to enter their protest, yet he did not apprehend that there could be a debate of such length as to make it necessary to adjourn to Monday.

The Chancellor of the Exchequer thanked the honourable gentleman for being so explicit. If the right honourable gentleman (Mr. Sheridan) conceived that it was a measure on which it was necessary for him to make a stand, it was quite impossible to foresee to what length the discussion

might run, as it might be necessary for other gentlemen to reply to what should fall from him. It being therefore inconvenient to fix on Saturday for such a discussion, he should move that the House, at its rising, do adjourn to Monday. He felt himself called on to answer the question put to him by an honourable gentleman (Mr. Whitbread). It certainly never did enter into his contemplation to introduce any provision in the Bill of the nature alluded to by the honourable gentleman. He conceived that the two Houses, in their present state, had not a right to go any farther than the particular case which necessity obliged them to provide for. He thought it would be extremely improper to introduce any such question at a time that the Legislature was not complete in all its parts. He concluded by moving, that the House at its rising do adjourn till Monday.

Mr. Sheridan wished that he had been allowed to add a few words, before the right honourable gentleman had made his motion. Although he had said, that he, and perhaps some other gentlemen, might think it necessary to protest against this proceeding, yet he at the same time said, that he did not conceive that there could be such a discussion as would justify the right honourable gentleman in adjourning to Monday. It by no means followed, that a short protest must necessarily produce a long debate. It might, to be sure, give an opportunity to gentlemen on the other side to make as long speeches as they thought proper: he could not answer for the length of speeches which they might think proper to make; but he was convinced, that nothing which he intended to say would necessarily occasion such a debate, as to make it necessary to adjourn till Monday.

The Chancellor of the Exchequer replied, that when the right honourable gentleman announced his intention of objecting to the entire principle of what was to be proposed, and of making a stand against it, it might very naturally be supposed that other gentlemen would be induced by his arguments to see the matter in the same light, and enter their protests. Some gentlemen might, perhaps, think it necessary to divide the House upon it. As it appeared to him likely that the discussion would be protracted some time, he should persevere in his motion, that the House should adjourn till Monday.

On the question being put, the majority of voices being evidently for the adjournment proposed, the question was carried without a division.—Adjourned to Monday.

HOUSE OF COMMONS.

MONDAY, JANUARY 14.

THE AFFIXING OF THE GREAT SEAL.

The Lords having requested a conference with the Commons, Lord Clive and other members went by order of the House to the Painted Chamber, to meet the Managers for the Lords. On their return, Lord Clive reported to the House, that their Lordships had passed a Resolution, for the affixing of the Great Seal to a Commission for opening the Parliament in the usual forms.

The Chancellor of the Exchequer rose, and moved that the House should resolve itself into a Committee on the State of the Nation.

The Chancellor of the Exchequer then rose, and moved that the Resolution of the House of Lords, communicated in the conference, and which had just been read at the bar, be referred to the said Committee.

The Chancellor of the Exchequer again rose to propose to the House to agree to the same Resolution; in doing which he did not feel it necessary to make many observations, since the House must, after concurring in the Resolutions already proposed, and acting on the precedent of 1788, have been looking to the measure he should now submit to them. After the applications to the Prince of Wales, and to the Queen, and the acceptance by both of the trusts proposed in the Addresses of the two Houses, a Resolution must naturally be expected, in the course of the measures pursued, similar to the present. The adherence to the precedent of 1788-9 led of course to this point in their proceedings. Indeed, of all the parts of that precedent there was not one which was so clearly and authoritatively established as this was; for Parliament had fully acted upon it: Parliament having been actually opened in the manner and form prescribed by the Resolution, and having continued after the recovery of his Majesty to finish and complete acts without reference to any other mode of authority. This circumstance put this part of the precedent upon the clearest and most authoritative grounds. If it were so to happen that either of the two Houses refused to accede to the

resolution for affixing the Great Seal, then the whole course of the precedent of 1788-9, on which they had hitherto acted, and which they yet professed to act upon, would be deranged. Perceiving it quite unnecessary, after the repeated discussions on the general subject, in which this point had been so frequently the subject of observation, he should not enter into any farther considerations; he should not trouble gentlemen farther than merely to move that the House do agree with the Resolution of the Lords, which had been communicated to them, and which they had referred to the Committee, and which they had heard read.

The question being put,

Mr. Sheridan rose and said, that as, on a former day, the right honourable gentleman had expressed a wish for delay in the decision of this question, in consequence of the great importance of the subject, and the length to which the debate was likely to be carried, he was a little surprised at the course pursued by the right honourable gentleman that night. He could not have expected that he intended merely to ask of Parliament to conform to the precedent of 1788 in all its points: but, on the contrary, he did expect that he would have opened the subject to a new Parliament, one in which there were so few of those members who were present at the discussions of 1788. It would unquestionably have been much more respectful, at least to the Committee, to have given them some reasons why they should consent to adopt this most extraordinary mode of proceeding. But the right honourable gentleman said, that if there was any part of the precedent which was established more fully than another, it was that which related to the use now to be made of the Great Seal. Now, he (Mr. S.) would contend that Parliament was in another situation—in a different predicament from that in which it stood in 1788. At that time, the majorities in both Houses were such, as to render any distinct opposition to the proceeding useless and hopeless. Then an honourable friend of his had withdrawn, from illness; and others did not think it necessary, under all the circumstances, to take any particular part on this branch of the subject, after what had been already said. There was another circumstance, also, which put Parliament at present in a very different situation from that in which it was only a fortnight ago. He knew that there was an irregularity in mentioning matters which had occurred in another House;

but was there no difference, with respect to the well-known proceedings of the other House, between the present case and that of 1788? Suppose the other House to have resolved differently from the House of Commons, and they might see a case which would actually involve the extinction of the whole Executive Government; it was known, he might be permitted at least to say, by rumour, that the House of Lords, in their Committee, had, in the first instance, voted against the Resolution of the Committee of the Commons; that they had resolved in favour of a Regent, not subject to restrictions and limitations. Suppose the Lords to have persevered in that vote, and not to have been drawn from it by the apprehension of dangerous consequences? If the other House had persisted in their Resolution, and this important difference of opinion had continued, he desired to know whether the right honourable gentleman had within his power any remedy to apply, for the purpose of making a legal Executive Government; without which they could not legislate? Why, there could be nothing less than a total extinction of the Government of the country. Now, let the right honourable gentleman reflect how very near happening all this had actually been. What right had he to say that similar differences might not exist? Why might they not yet again arise, and in their results deprive the country of a legitimate Government? What had already occurred, might surely occur again. Indeed, he thought it was extremely probable that such would be the case. If, therefore, it was too late, he should decidedly prefer to the present mode, some mode which might extricate them from the difficulties in which they were likely to involve themselves. As for delay in the earlier stages of their proceedings, he certainly admitted for himself, that he had felt no desire to be precipitate. On the contrary, though reluctantly and with regret differing from many of his friends, he had been favourable to some delay, whenever he had heard that it was likely, by granting it, that the recovery of his Majesty would soon put an end to the necessity of taking any farther steps. But, again, let the House recollect that they were not in the same situation which they were in only a fortnight ago. At that time the House of Commons had not usurped any of the functions of the Executive power: but manifestedly they had done so since that period; therefore they ought not now to delay a single moment in adopting the means of terminating such

an usurpation. (*Hear, hear!*) The usurpation at that time was on the part of the Ministers; but now, circumstances had led them to abdicate their usurpation to the House of Commons, though he would venture to say, if he might be allowed the expression, that the usurpation of the Ministers was a more constitutional usurpation than that of the House of Commons. (*Hear!*) It was better that they should, in such an exigency, carry on the Executive Government, and take the chances of their responsibility, than that the Executive power should be seized by the House of Commons. Here he need hardly say, that he referred to the monstrous act of seizing on the King's Exchequer. After several observations on this transaction, he said that Lord Grenville could not have acted otherwise than he did. His Lordship had said in effect—"I will not usurp the prerogatives of the Crown; but do you go, and apply to Parliament to do that." In the case of prorogation, and of the necessity of paying the Army and Navy, it might have been different, and an individual must risk his responsibility for a necessary act. Parliament sitting, Lord Grenville was right in telling Ministers to go there: but the principle on which Parliament had proceeded, might be pushed to the full extent of taking the whole Executive power into their own hands. Suppose a question of negociation for peace, or of fitting out and sending abroad an army and a fleet, Parliament might be justified in transacting such great public executive business, by a secret Committee for instance, just as much as they could for the commission of that monstrous act which he had already called to their recollection. The situation of affairs rendered it more and more eligible to resort to the shortest way of getting rid of this system of usurpation. If they chose to go on as they had done, they might as well order the Great Seal to be affixed to an Act, to extinguish the Kingly power altogether. (*Hear!*) He did not intend to trouble the House with dividing; but the question he wished to put to them was, whether this circuitous mode of proceeding was the quickest way of arriving at their object? Or, whether it was not a better mode to resolve upon a plain, direct Address to the Prince of Wales, requesting him to open the Parliament, and to take upon himself the administration of the civil and military powers of the country—to open the Parliament, not as a Regent, but until the Regency is provided? That would not interfere with their precedent,

as to the mode of proceeding by Bill to enact a Regency. See the distinction between the one mode, and that of addressing the Prince, as he recommended, to open Parliament himself for no longer time than until such Bill of Regency should pass. The plan of the right honourable gentleman presented a number of possible and probable difficulties, if ever they came into a situation which might defeat its object. Then the whole plan must fall to the ground, if the difference of opinion of the two Houses should recur; and thus, as he had said before, there would be an extinction of the Government. (*Hear!*) He supposed it was to be taken for granted, that Lord Eldon would put the Great Seal to the commission for opening Parliament. The right honourable gentleman, he supposed, knew Lord Eldon's determination on that point. But was he quite so sure, that Lord Eldon would put it to an Act to create the Regent? There was some difference between the acts of using the Great Seal, for the opening of Parliament, and for the creation of a Regent. There might be some excuses made for seizing on the Great Seal for the former purpose, and the fiction to be made use of, might find a justification in necessity. But the other use of the Seal, was entirely against Law; it was against the Act of the 33d of Henry the VIIIth, and the Act of Charles the IInd, which made it high-treason to legislate without the three branches of the Legislature. Would Lord Eldon use the Great Seal in that manner? If he would not, why, then, they were all thrown on their backs. Did the right honourable gentleman know from any good information, or from any traditionary authority, that Lord Thurlow would have affixed the Great Seal to that Act? He (Mr. Sheridan) declared that the bias of the inclination of his mind was, that Lord Thurlow would have stopped at that second act. But if it were not so, if he had done it, could it have more weight than if the Prince now took upon himself the opening of Parliament in consequence of an Address? Would the Great Seal give any greater authority to the Regency Bill, by using it in the manner now proposed? (*Hear!*) He wished to ask the Crown Lawyers on the opposite benches, who certainly were not yet exhausted by the display either of their law or their rhetoric, in the discussions that had recently taken place, for their opinions, (*Hear, hear!*) whether they did not think that the sanction given to a legislative act of Regency by the Prince himself would not be superior to that mode

they proposed? Again, he did not wish to say any thing with unbecoming levity—but suppose Lord Eldon were to die, would they then seize on the Great Seal? Or, suppose Lord Eldon should refuse to use it; my Lord Eldon might say—"It is against my conscience!" as Mr. Larpent had said concerning the use of the Privy Seal. Though his Lordship was Keeper of the King's conscience, he must be allowed to have also a conscience of his own, and that was a matter of which his Lordship could entertain no doubt. (*Hear, hear!*) Would they then order some persons who they knew would obey them, to seize the Great Seal and put it to the Act? Accidents might easily happen. It was but the other night that the right honourable gentleman opposite, (the Chancellor of the Exchequer) and the Lord Chancellor, had the misfortune to be overturned together upon *Hounslow-heath!* (*laughing*)—an accident which might possibly have occasioned most serious loss to the country—almost as bad as the loss of the Great Seal! (*Much laughing*). Another alarming accident had shortly afterwards very nearly happened to the Lord Chancellor, from some heavy carriage, or something else, in the public streets. What it really was, he could not precisely tell. It might have been the the *phantom* of the grand *fiction* of 1788, rising from the *dark abyss*, indignant at being again called upon, after the lapse of two and twenty years, *to do the same sort of job* he had then been compelled to perform! (*Much Laughing!*)

The course (continued Mr. Sheridan) which the right hon. gentleman had stated to be right, was not the right, straight, constitutional road of arriving at the desired point. The Chancellor of the Exchequer supposed that the precedent of 1788 justified all that was now passing; but he thought he could hardly attempt to follow it in many parts. In 1788 this fiction was not passed, until the whole of the plan was before Parliament. The hon. member then enumerated several circumstances, relative to the proceedings on the precedent of 1788-9. The Bill was then brought into the Lords without the specification of any limitations of time, and was very nearly so carried. It was not yet too late for the House to recover themselves, and to resort to another course of proceeding, not inconsistent with a Bill for enacting the Regency. But the right hon. gentleman would say, that if they now proceeded to address the Prince of Wales, and, after his Royal Highness had opened the Parliament, brought in a Bill, he might refuse his assent to

the Bill, and then dissolve the Parliament. (*Hear!*) That would be a most unworthy suspicion; besides it was a supposed danger that it was quite in their power to guard against. But it should not be forgotten, that no attempt whatever had been made, in the shape of an answer to the arguments drawn from the precedent of the Revolution. No suspicion, he must suppose, could find an existence in the mind of any man, that if they addressed the Prince of Wales to open Parliament, and to take upon himself the administration of the government, stating the restrictions which they had provided by their Resolutions; no suspicion so indecent, he would repeat, could harbour in the breast of any body as to lead him to doubt of the Prince's agreeing to a Bill passed by the Lords and Commons, in conformity to those restrictions already stated to his Royal Highness (*Hear!*) As he had taken an early opportunity, in the course of the few observations he had made, to say that he had no intention to press the House to a division, he should not trouble them farther. His only object was to express his disapprobation of the monstrous mode of proceeding by a fiction in the use of the Great Seal; and to state to the House distinctly the view he had of the shortest, surest, and most constitutional way of extricating them from their present difficulties—of putting an end to an unconstitutional and dangerous usurpation of the Executive power—and of establising a legal government in the country. By that mode they would best fill up the lamented deficiency in the Kingly office, and best consult the nature of the Constitution, and the genuine interests of the nation at large.

The Chancellor of the Exchequer rose to reply; and observed, that the right honourable gentleman, in accusing him of having omitted to go as fully as was to be expected into the subject, considering its great importance, on his submitting it to the Committee, seemed to him to have forgotten or mistaken what had taken place on the last day of their meeting. If the right honourable gentleman would but bring to his recollection the grounds upon which the order for going into the Committee on the State of the Nation for the purpose of bringing forward the question then under consideration, had been made for that day in place of Saturday, he would discover a satisfactory answer to the charge he made this night. In confirmation of this, he should only refer the Committee to the proceedings which took place on Friday last. On that day it was his intention

to have proposed, that the Committee should sit on Saturday; and he had put it to the gentlemen on the other side, whether, after what had previously taken place, it was likely that any discussions would arise upon the subject. It was, therefore, only in consequence of the intimation then given by the right hon. gentleman himself, that some discussion must take place, that he had thought it necessary to substitute Monday for Saturday, in order to avoid the inconvenience of any protracted debate on that day. When he heard that right hon. gentleman on that occasion state, that it was his intention to make his stand against the proposition to be submitted to the Committee as fundamentally wrong and unconstitutional, he could not entertain any other idea than that it was in his contemplation to propose some alteration or amendment of it. But had he had any notion, that, in place of such a course, it was the determination of the right hon. gentleman only to submit a different course to his consideration without taking the sense of the House upon it, he perhaps might not have been so desirous to defer the business. If the right honourable gentleman had on that day informed him that the line he had taken this night was the stand he intended to make for the Constitution, he should certainly have felt it less necessary to defer the Committee to this day. But now that they had heard the statement of the right honourable gentleman—now that they were in possession of the arguments that he could urge with all that energy, and force, and impression which so peculiarly distinguish that right honourable gentleman's eloquence, what, he would ask the Committee, did they all amount to? The right hon. gentleman had dwelt with much emphasis and peculiar urgency upon the difficulties which would be created, and the inconvenience that would be the consequence, if, in the progress of the Bill which it was his intention to bring forward, any difference should arise between that House and the House of Lords; and even had put it seriously to him, whether he had any means in contemplation that would cure these difficulties, if they should occur. What was the mode proposed by the right hon. gentleman to obviate these difficulties, but that they should immediately differ with the other House respecting the Resolution, which a recent communication from that House had informed them of the Lords having adopted? The right hon. gentleman having taken great pains to impress upon the Committee all the difficulties and incon-

veniencies that might probably result from this difference between the two Houses, and recommended this consideration as of importance to be attended to by the Committee; at the same time that he deprecated this future possible difference, proposes to obviate it by a strange mode. He had in various ways, by the aid of his powerful talents and abilities, pourtrayed the danger to be apprehended that the proposition to be submitted to the Committee might be weighed down, overborne, and lost by the effect of this difference; yet what was the remedy he proposed but this? —"It is probable that a difference might take place between the two Houses; and, therefore, you should differ as soon as you can!" The right hon. gentleman, however, though the course went to establish that proposition, feeling the weakness of his ground, had not concluded with any motion or amendment. This, he would contend, was the fair interpretation and the just application of the right hon. gentleman's argument. It had been said by the right hon. gentleman, that they were in a very different situation at present from that in which they were a fortnight since, and that consequently there was at present a greater necessity for expedition; but he should doubt very much, whether, if they were to adopt the course now recommended by the right honourable gentleman, they could possibly obtain any advantage in the way of expedition. The right hon. gentleman had certainly stated it not to be his object, after what had already taken place in both Houses, to propose that they should proceed to nominate the Prince of Wales Regent. His proposition now was to call upon the Prince of Wales by Address to take upon himself the administration of the government *pro tempore*, for the purpose of calling and holding a Parliament. What proceeding was then to take place, suppose the Address to be agreed to? Would they not be obliged to pass a Bill in the same way as in the present course of proceeding? Was there any difficulty in the present proceeding, which would not be equally felt in that proposed by the right honourable gentleman? He should wish to know, if the Address were carried, how it would be open to the Prince to direct the affixing of the Great Seal to a Commission? How could he get at it? But he should contend, that even out of respect to his royal highness the Prince of Wales, the course then under consideration was preferable. The right honourable gentleman had represented the mode proposed

of applying the Great Seal as a phantom—as something unconstitutional, without the sanction of the Sign Manual. He would ask that right hon. gentleman, who had the advantage of communicating with the illustrious Person to be appointed Regent, how, if the course he recommended were to be adopted, the Prince could open or hold a Parliament, without using the Great Seal, without the sanction of the Sign Manual, without putting that Seal into activity, and directing its application to public instruments? If, then, the putting the Great Seal into activity were such a phantom—a thing so irregular and unconstitutional—would it not be better that the two Houses of Parliament should put it into activity, rather than impose the necessity of doing so on the Prince of Wales? Besides, all the Royal Dukes, feeling as they did upon the subject, had desired that their names might be left out of the Commission; and, therefore, it would not be to treat the Prince with proper respect to leave him to direct a Commission to be issued, from which his Royal Brothers had desired their names to be excluded. But after all, the Great Seal could not be affixed but by the authority of the two Houses, and consequently the same difficulties were to be apprehended in any course they could adopt. He did not, on that occasion, feel it necessary to enter into a discussion of what a noble Lord (Lord Thurlorw) might or might not have done respecting the application of the Great Seal in 1788. He did not know what was the opinion of that noble Lord upon the subject; but unless the right hon. gentleman had incontrovertible authority for what he had asserted, he would not believe that Lord Thurlow would have lent his sanction to the whole of the previous proceedings, feeling at the same time a determination to defeat them in the end, by refusing to apply the Great Seal to the Act when passed. He could never be persuaded, that that learned Lord, who felt it his duty to support their proceedings by arguments during their progress, could have thought of marring or defrauding them in the end by such refusal. What he could not believe of Lord Thurlow, he could not think of his noble friend the present Chancellor (Lord Eldon), with regard to the use of the Great Seal on such an occasion: but it would be idle to enter into a consideration of the propriety of such an application of the Great Seal on this occasion. He would observe, however, that there was much less chance that any person in his senses would refuse to affix the Seal

under the authority of the two Houses, than that he would apply it upon the mandate of any person whom the two Houses might address to take upon him the government. As to the argument of the right hon. gentleman, drawn from the possibility of the death of the Chancellor, he should only observe, that the House ought not to be employed in anticipating more difficulties than they had to encounter. If the event alluded to were to take place, an event which he was persuaded the right hon. gentleman would lament equally with himself, and which would be as great a calamity as could befall the country, it would create a difficulty which the Parliament would meet and provide for, as well as for the other difficulties they had to surmount. But sufficient to the day were the difficulties of the day; and whilst that was the case, it was unnecessary to anticipate those difficulties which he trusted in God would never happen. Upon the whole, he should say, that, after all the previous steps which had been taken, it was too much to suppose that the arguments of the right hon. gentleman could have the effect of inducing him to retrace his steps, and agree to his suggestion.

Mr. Sheridan rose to say a few words in reply to the right honourable gentleman, who must certainly have misunderstood what had fallen from him on Friday. When he had stated his intention on that day, that he had no idea whatever of making any motion, as might well have been collected from the expression he had used, as he distinctly used the word protest, which in Parliamentary language meant the expression of principle, without argument or motion. As to what the right honourable gentleman had said with respect to the violence with which he had stated his opinion, (*not improper violence*, observed the Chancellor of the Exchequer across the table), the substantive it was he denied, without any reference to the adjective; but as to all that had been said on that head, he must observe, that the right honourable gentleman, thinking that he (Mr. S.) would have come prepared with a stock of violence, had brought his own stock of violence with him to be used on the occasion, which he had let off without any provocation. The right honourable gentleman, too, had thought proper, in observing upon what had fallen from him, to allude to his communications with his royal highness the Prince of Wales. Upon this point, he felt it necessary to disclaim distinctly, that any thing he said in that House proceeded

from any communication with that illustrious Personage. The sentiments he uttered there, he delivered as an independent member of Parliament, without any authority whatever from the quarter alluded to. But as to his communications with the Prince of Wales, the right honourable gentleman might easily have accounted for them by referring to the friendship of that illustrious personage which he had so long the honour of enjoying—by reflecting that he was one of his Royal Highness's servants, and a Member of his Council, having taken an oath similar to that taken by the Members of his Majesty's Privy Council. As to the dilemma to which the right honourable gentleman seemed to think he had reduced him, by stating that at a time when he deprecated the consequences of any difference between the two Houses, he was recommending to the Committee to differ with the Lords; he did so recommend to the Committee to differ with the Lords respecting the Resolution upon the table; but as the two Houses had already agreed to the Resolutions respecting the Regency and its limitations, and these Resolutions had been accepted by the Prince, they had now only to decide as to the mode of carrying the Resolutions into effect; and he could see no reason why the Lords might not agree to the proceeding by address for that purpose. But the right hon. gentleman had said, that even in that case the Prince could not call a Parliament without the use of the Great Seal. Where was the right honourable gentleman's knowledge of history? Had he not admitted, that the Prince would have been as fully possessed of the powers of the government, if appointed by Address as by Bill? Did the right honourable gentleman not recollect the case of King William? Had the Seal been put to a commission in that case? No. The Address had been voted, first by a mixed assembly, and afterwards by the Convention which never called itself a Parliament, to that Prince, calling upon him to take the government into his hands, and to call a Parliament. It was not until, in consequence of that Address, the King assumed the government, that he called and held a Parliament. The right honourable gentleman seemed to think that it was in his contemplation to speak slightingly of the present Chancellor; but he could assure the right honourable gentleman that nothing was farther from his thoughts, as, so far from that, no man had a higher opinion of that learned lord's talents and character; no man could be more firmly persuaded of the learning, abilities, and assiduity,

with which he discharged the duties of his high office, and placed him on a level with any of those who had ever filled that exalted station. As to the wish of the right honourable gentleman to know whether he had any authority for what he had asserted respecting Lord Thurlow, because of the absurdity, as he had represented it, of Lord Thurlow's supporting all the previous proceedings, still determined to refuse to affix the Great Seal to the Act when passed, he should inform the right honourable gentleman, that there was no such absurdity as he imagined in the case. Lord Thurlow supported all the previous proceedings; but when the Act should have passed both Houses, then the question would arise as to the mode of giving the Royal assent; on which occasion Lord Thurlow, it was known, would have refused to apply the Great Seal, under a conviction that the more constitutional mode would be to address the Prince to take upon him the administration of the government; and then give the Royal assent constitutionally to the Act. The right honourable gentleman seemed to have at length discovered the character of his own measure. As the Royal Dukes had desired that their names might not be inserted in the Commission, the right honourable gentleman contended that, out of respect to these Royal Persons, and to the Prince, the Prince should not be put into a situation to give effect to this phantom, but that the Parliament should perform its own dirty work, its own drudgery. As to the law of the case, the right honourable gentleman had omitted to shew that this course was legal or consistent with the statute law of this realm, which he should contend it violated. He did not mean to hold cheap the law of the right honourable gentleman; but as he appeared to have felt sore on a former night at the mention of Rewbell, he felt bound to assure the right honourable gentleman, that he had never any idea of putting any comparison between him and that monster. He had the honour of knowing that right honourable gentleman, and could sincerely declare that no man valued his estimable qualities and private virtues more highly than he did; but he must also observe, that Rewbell might not be the only person who found himself in possession of a portion of the Royal authority, of which he could never have conceived any expectation. He certainly could not blame the right honourable gentleman for not recollecting his law, being now first Lord of the Treasury, and having the exchequer, the finances, sinecures, offices, patronage,

jobs, contracts, funds, taxes, stocks, &c. to occupy his attention. In the late discussion between Lord Grenville and the right honourable gentleman, he offered to indemnify that noble lord; but Lord Grenville, not satisfied with his law, desired to have better law, and that the matter should be submitted to the right honourable gentleman's Attorney and Solicitor-General, who declared that his indemnity was no indemnity. It was not his wish to run down a profession of which, in early life, he was ambitious to be a member: but, though it had been said of a Parliament, from which all lawyers were excluded, that it was *Parliamentum indoctum*, he thought it a possible case to have a *Parliamentum superdoctum*. Lawyers were a good thing; but as the homely adage says, "we may have too much of a good "thing;" and that, with respect to lawyers, was the case of the present Cabinet. He did not mean to go more at length into the question; but when the right honourable gentleman directed his law officers to draw up the instrument, he would order them to commit an act of treason against the Constitution.

The Resolution was then agreed to, and the House having been resumed, the Report was brought up and agreed to.

A message was then sent to the Lords to desire another conference, on the subject of the last conference.

The *Chancellor of the Exchequer* then intimated, that the conference might take place at an early hour, so that Parliament might be opened to-morrow. In that case he meant to move for leave to bring in the Regency Bill, which would be read a first time and ordered to be printed. The second reading would take place on Wednesday, and the Committee on Thursday. But if any thing unforeseen should prevent him from bringing in the Bill to-morrow, he gave notice that he would then move that it be read a first and second time on Wednesday, in order to be committed on Thursday. He also gave notice that he would to-morrow move for a call of the House on Thursday.

Sir Thomas Turton suggested the propriety of waiting for the attendance of the Members attending the Quarter Sessions: but the Chancellor of the Exchequer said, that however desirable it might be to have the attendance of those members, the measure was too important to be deferred.—Adjourned.

HOUSE OF LORDS.

TUESDAY, JANUARY 16.

STATE OF THE NATION—REGENCY.

The House met at half-past four, when the Lord Chancellor having taken the woolsack, Lord Clive and others appeared at the bar from the Commons, and requested a conference, to which their Lordships signified that they would return an answer by a messenger of their own. An answer having been sent, stating that their Lordships would hold the conference forthwith in the Painted Chamber, the Commons again signified by Lord Clive that they were ready.

The Lords Managers (Lord President, Lord Privy Seal, Duke of Montrose, Earl of Liverpool, Earl Cathcart, Earl of Mount Edgecumbe, Lord Naples, and the Bishop of Killala) then went out, and on their return stated that the Managers for the Commons had agreed to the Resolutions of the Lords respecting the affixing of the Great Seal, with one verbal Amendment. The question on this Amendment being put, the Lords agreed to it, *nem. dis.* and directed the Masters in Chancery to acquaint the Commons of the same, which they did accordingly.

The *Lord Chancellor* then moved to adjourn a few moments. Agreed to, *nem. dis.*

COMMISSION.

The *Lord Chancellor* returned, and took his seat on the woolsack, with the Archbishop of Canterbury, the Lord President (Camden), the Lord Privy Seal (Westmoreland), the Duke of Montrose, and the Earl of Liverpool, all robed.

The *Lord Chancellor* then requested the attendance of the House of Commons; upon which the Speaker and a number of Members of the Commons appeared at the Bar.

The *Lord Chancellor* then stated, that forasmuch as certain causes prevented his Majesty from conveniently attending Parliament in his own person, a Commission had issued under his Great Seal for the opening of the same, which Commission they would now hear read.

The Clerk then read over the Commission, which contained the names of the noble peers on the woolsack, and of Lord Aylesford, Lord Wellesley, Lord Mulgrave, Lord Bathurst, and a few others.

The *Lord Chancellor* said, "My lords and gentlemen, In virtue of the Commission which has been now read, authorising the lords therein named to declare the causes of your meeting, and to do in all respects in his Majesty's name, we have only to call your attention to the afflicting circumstances of his Majesty's indisposition, and to the necessity of making due and suitable provision for the care of his Majesty's sacred person, for the maintenance of the Royal dignity, and for the exercise of the Royal authority, in such manner and to such extent as the exigency of the case may seem to require."

The *Earl of Liverpool* moved, that the speech be again read to their lordships, which was accordingly done. He then moved the customary motions at the opening of a Session respecting the Chairman of the Committees, public and private, and proposed Lord Walsingham for that purpose when not otherwise employed.

After a few words from Lord Walsingham, the motions were carried, *nem. dis.*

The *Lord Chancellor* left the woolsack, and said, that on to-morrow se'nnight he should submit a motion respecting Proxies, and moved that the Lords be summoned for that day.

Adjourned to Monday.

HOUSE OF COMMONS.

TUESDAY, JANUARY 15.

THE RESOLUTIONS.

The *Chancellor of the Exchequer* rose to observe, that in the wording of the Resolution which had been agreed to by by both Houses, for putting the Great Seal to a Commission for opening the Parliament, a mistake had taken place, (probably from the error of the clerk,) which made the Resolution absolute nonsense. Now, although it might appear irregular to move to rescind a Resolution which had been agreed to, yet he thought it was much better to do so, than permit, upon an occasion so important as the present, a Resolution to be entered on the Journals of Parliament, which in the way it now happened to be worded, could not be reconciled to common sense or grammar. The error was quite accidental; but it was of such a nature that it would

be a reproach to Parliament, if it should pass both Houses without observation. The error was this: it stated, "Whereas it was necessary that letters patent should be issued for a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, called Great Britain." Now, whether it was the Seal that was to be called Great Britain, or whether it was the United Kingdom, it was equally nonsense in both cases. This absurdity had crept in by some accidental omission; but still he thought that it was so great that it was absolutely necessary that it should be corrected. He therefore should move that the Resolution be amended, by striking out the last words "called Great Britain."

Mr. Sheridan said that he did not rise to oppose the motion, although he had no particular objection to the Resolution, on account of the impropriety or absurdity of the language. Indeed, he thought that the absurdity of the language was peculiarly well suited to the absurdity of the measure to which it referred. (*A laugh.*) He would defy the gentlemen on the other side to prove that any words could contain more nonsense than was contained in the whole course of proceedings which had been adopted. (*A laugh.*) Although this was his firm opinion, yet he did not mean to oppose the Amendment.

The Resolution was then amended, pursuant to the motion of the Chancellor of the Exchequer, and the Resolution so amended was ordered to be sent to the Lords.

A conference being desired with the Lords, Lord Clive, and the Committee appointed to manage the former conferences, were appointed to attend their lordships.

EXECUTION OF CARDOSA.

The Committee being absent at the conference, and no business being actually before the House,

Mr. Sheridan rose and said, that as there was then no business before the House, he hoped he should be excused in mentioning a circumstance, which had made a deep impression on the public mind. He alluded to the execution of a convict, at a time when all the usual access to the Fountain of Mercy was interrupted. This appeared to him a matter of the greatest importance, and he thought it probable, that he would find it necessary hereafter to direct the attention of the House particularly to the principle upon which this execution took place, more than to the particular case itself.

He rose, then, principally with a view of directing the attention of his Majesty's Ministers to this subject. He was, at the same time, ready to acknowledge the attention which a right hon. gentleman (Mr. Secretary Ryder) had paid to the the letter he wrote to him on Sunday last, upon this subject.

The Chancellor of the Exchequer was very anxious that no false impressions should go abroad upon this subject. The House would, he trusted, permit him to state, that in the particular case alluded to, the execution had followed the sentence in literal compliance with the strict and express directions of the Act of Parliament, which appointed the time within which executions were to take place after a conviction for murder. It was necessary for him to state, however, that the Judges who tried the convict were in full possession of the power of respiting him if it appeared to them that there was any thing in his case to make this respite proper. Although the ultimate source of mercy was for the present closed, yet all the intermediate channels through which the fountain of mercy was to be appealed to, had still been open to the person convicted, and if a doubt could have been raised of the propriety of the conviction, the execution would probably have been respited. He did not mean now to argue the question, but simply to make a statement which he hoped would prevent the public from being led away by false impressions.

Mr. Sheridan said that he would be one of the last persons who would wish to throw out ideas to the public which might produce mischievous effects for a certain time, and more especially when he himself was by no means determined whether he should agitate the question any further. He was perfectly aware that the Judges had a power of respiting the execution if they had any doubts upon the merits of the case; but in the observations he had made, he wished to leave the merits of this particular case quite out of the question. He would even suppose, for argument sake, that the case was so bad a one that the Judges could not think proper to recommend to Royal mercy; still, it must be recollected, that while the Royal Authority was in existence, there were other channels through which application could be made for Royal mercy. He thought that the right honourable gentleman (Mr. Secretary Ryder) had in a very laudable manner exercised the powers he possessed when he respited the execution of a person convicted in Scotland, but

he by no means thought it sufficient, in the present case to say that the Judges had not recommended the convict. It must be recollected that there were instances in the present reign of persons condemned for murder, who had been pardoned without any recommendation of the Judge who tried them. There was the case of M'Quirk, who was found guilty of murdering a man at the time of the Middlesex election; and the case of Kennet, who was found guilty of murdering a watchman on Westminster Bridge: in both these cases the Judges did not recommend, and yet the persons convicted found access to the Royal mercy through other channels. It therefore appeared, that the case of individuals was very hard, when they were tried at a time that the usual means of applying to the Royal mercy was closed against them. He thought that this was one of the strongest instances of the mischiefs arising from a maimed and crippled state of monarchy. The regular access to the Fountain of Mercy was closed, and an individual was obliged to take upon himself that which was the most valuable of all the prerogatives of Royalty. He thought less of the power assumed to issue money from his Majesty's Exchequer for the payment of the Army and Navy, than he did of the assumption of the prerogative of mercy, with the right of extending it, or withholding it, at the pleasure of the individual who assumed the exercise of that prerogative.

Mr. Secretary Ryder thought it was absolutely necessary for him to submit one or two observations to the consideration of the House. He allowed that he had acted differently in the two instances stated by the right honourable gentleman (Mr. Sheridan), and he was perfectly ready to take the full responsibility which attached to him. The two cases were wholly different. In the one case, (that of the person convicted in Scotland) he had, from the report of the persons concerned in the prosecution, taken upon himself the responsibility, not of extending the Royal mercy, but of suspending the execution of the sentence until the Royal Authority, with its prerogative of mercy, should be supplied. The other case was, however, totally different. No representation had been made from the prosecutors, no recommendation from the Judge, nor any application from the unhappy person who was convicted. The information which he received upon the case was from the Recorder, who was the judge that tried it. The Recorder had represented to him that there were two other learned Judges on

the bench at the same time, and that none of them entertained the slightest doubt of the guilt of the prisoner. If they had entertained a doubt, they would have exercised the power which they possessed of respiting the sentence; but they all of them were agreed in considering it as a case of as foul murder as ever was committed in this country. He would therefore submit it to the House, whether in a case of murder, when the Judges who tried the case had no doubt of the guilt of the accused, and when no application had been made for mercy by the convict himself, he would have been justified in suspending the regular course of the laws. He must also observe, that in the year 1788, under similar circumstances, persons convicted of murder had been executed within the time prescribed by the law, without any objections having been made in that House.

THE REGENCY.

Lord Clive returned from the conference, and reported that he had delivered the Resolution as amended by the Commons to the Committee appointed to manage the conference on the part of the Lords. On a second conference, he further reported, that the managers on the part of the Lords had left the Resolution, as amended, with their lordships.

A message from the Lords then informed the House, that their lordships had agreed to the Resolution as amended.

OPENING OF THE PARLIAMENT.

The Usher of the Black Rod then rapped at the door of the House of Commons (as usual, on the opening of a Parliament), and informed the House, "that the Lords, authorised by his *Majesty's Commission*, required the immediate attendance of that honourable House in the House of Peers."

The Speaker, attended by many Members, went forthwith to the House of Lords.

On their return the Session was opened in the usual manner, by passing the Bill to prevent Clandestine Outlawries.

The Speaker then, after the usual preliminary observations, read the Speech which had been delivered by the Lord Chancellor. *(See House of Lords.)*

After the Speech was read,

Mr. Sheridan rose merely to put a question to the right honourable gentleman (Mr. Perceval), whether, in his view of the subject, it would not require another Commission to

be appointed for the purpose of putting the Great Seal to the Regency Bill, or whether he thought this first Commission would be sufficient?

The Chancellor of the Exchequer replied, that it certainly appeared to him that there must be another Commission appointed for the purpose of giving the Royal Assent to the Regency Bill. He conceived the House was now in anxious expectation of the Bill being brought forward, which appeared to be their first duty.

The Speaker here observed, that before any other business was brought forward, the regular course of proceedings, at the commencement of a new session, was to fill up the standing Committees.

The standing Committees of Religion, Privileges, &c. were then filled up.

The Chancellor of the Exchequer then rose and said, that it now became his duty to bring forward that measure which the House so anxiously expected. After all that had already been said upon the subject, and the debates which had already taken place in both Houses of Parliament, he did not think it necessary for him to make any additional observations at present, but should simply content himself with moving "that leave be given to bring in a Bill for the purpose of providing for the due administration of the Royal Authority, and the care of the Royal Person during the continuance of his Majesty's present malady; as also to provide for the resumption of the Royal Authority by his Majesty upon his restoration to health."

Mr. W. Smith rose, not for the purpose of opposing the motion, but shortly to express his sentiments on the subject under consideration. Those who felt as he did, that great mischief had been produced by the dilatory proceedings of Ministers, would certainly not wish to protract the proceedings any farther by unnecessary discussion. He could not, however, avoid shortly entering his protest to the course pursued by his Majesty's Ministers. He, for his part, thought that the proper way for that House to shew its respect to his Majesty was by the wisdom, gravity, and delicacy of their deliberations, before the fact of the necessity of supplying the Royal Authority was communicated to the public; but after that necessity had been communicated to the public, he thought that no farther time ought to have been lost, but that the deficiency in the exercise of the Royal Authority should have been immediately supplied. He must there-

fore protest against the great delay which had been occasioned by the course adopted by his Majesty's Ministers.

Leave was then given to bring in the Bill, and the Chancellor of the Exchequer accordingly brought it in: It was read at length by the Speaker, and ordered to be read a second time to-morrow, and to be printed.

The Chancellor of the Exchequer rose and stated, that there were two points to which he wished to direct the attention of the House. He had, before the Parliament was opened, moved that the House should be called over on Thursday. This motion he thought it was now necessary to renew. This was the first point, and he would conclude with a motion accordingly. The second point was respecting the regulation which the House always thought it convenient to adopt with respect to the time of bringing in Private Bills. It was impossible for him to know what would probably be the opinion of the Regent with respect to the propriety of any adjournment or prorogation of Parliament after the question of the Regency was settled. If those whom his Royal Highness should choose for his advisers were of opinion, that any adjournment or prorogation would be advisable, that circumstance would certainly be an interruption to the regular course of the session, on which he must calculate as to the time which ought to be limited for bringing in Private Bills. Every body must perceive, that some regulation would be necessary on this subject; and he therefore gave notice, that he would bring it forward on a future day. He concluded by moving that the House be called over on Thursday.

[This motion was agreed to, and the House immediately adjourned.]

HOUSE OF COMMONS.

WEDNESDAY, JANUARY 16.

Mr. Bankes gave notice, that he should on Monday next move to revive the Committee on Public Expenditure; also to revive the Committee of last session, on Sinecure Offices and Pensions.

PRIVATE BILLS.

The Chancellor of the Exchequer, pursuant to the notice which he had given yesterday, rose to move to appoint pe-

riods, within which respectively the several stages on Private Petitions and Bills should be limited. It was desirable, from the experience of late years, that these stages should be fixed at this period of the session; with an understanding however, in the House, that, if it should be the pleasure of the Prince Regent that any adjournment or prorogation of Parliament should take place for any limited period, such a circumstance should be taken into consideration as to any alteration of the times now to be fixed for the different stages of Private Bills. As parties soliciting such acts must have already given their notices in the provincial papers, and necessarily had the business in contemplation before the close of last session, they ought to be ready at any time to come forward with their petitions. He should fix on Friday, the 1st of February next, as the last day for receiving Private Petitions; on Monday, the 4th of March, as the last day for receiving Bills on Private Petitions: and on Monday the 29th of April, as the last day for receiving Reports on Private Bills. The right hon. gentleman concluded by moving three Resolutions to that effect, which were severally agreed to, and ordered to be printed.

On the motion of Mr. Lushington, the Committee on Expiring Laws was renewed; and the several four customary orders made to enable the Committee to discharge its functions.

REGENCY BILL.

The Chancellor of the Exchequer gave notice, that he should to-morrow move for the appointment of a Secret Committee to examine into the state of the Privy Purse, and the several charges affecting the same. His object in proposing this examination, was to render the discussion of a clause in the Bill on this subject less difficult or perplexing than it otherwise would be. Those gentlemen who bore in mind the proceedings of 1789, would recollect that considerable discussion took place as to the mode of appropriating the funds of the Privy Purse, for the pay of salaries and pensions, and such other charges as may have been assigned upon it by his Majesty. The jealousies and embarassments which were excited and felt upon that occasion, arose altogether from the omission to institute any previous inquiry upon the subject. Gentlemen, therefore, he was persuaded, would think with him, that to avoid any difficulties like those experienced on the former occasion, it would be much

better to remove every ground of question or doubt, by instituting an inquiry into the subject before they should come to the discussion of the particular clause. He had reason to think that the inquiry would not be long, and that if the Secret Committee should be appointed to-morrow, the report might confidently be expected to be made early on Friday. And, as it was not probable that the House would be able to get through the whole Bill in one day, they would have the benefit of the report on Friday.

The Regency Bill was then, on the motion of the Chancellor of the Exchequer, read a second time, and ordered to be committed to-morrow.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, JAN. 17.

KING'S PRIVY PURSE.

The Chancellor of the Exchequer (before the House should proceed to the order of the day for going into a Committee on the Regency Bill) rose, pursuant to his notice yesterday, to move the appointment of a Secret Committee, to examine into and report upon the state of his Majesty's Privy Purse. As he did not apprehend any objection would be made to his motion, he should proceed to move "that a Secret Committee be appointed to examine into, and to report upon what payments were ordinarily directed by his Majesty to be made out of his Privy Purse, and also what part of them it would be necessary to provide for during the continuance of his Majesty's indisposition."

The motion was agreed to; and after it was ordered that the Committee should consist of nine, the following members were nominated by the Chancellor of the Exchequer, and agreed to by the House.

The Chancellor of the Exchequer,	Mr. Ponsonby,
Lord Castlereagh,	Mr. Canning,
Mr. Secretary Ryder,	Mr. Sheridan,
Mr. Adam,	Mr. Bathurst, and
	Mr. Wilberforce.

Five were ordered to be a quorum.

REGENCY BILL.

The Chancellor of the Exchequer moved the order of the day for going into a Committee on the Regency Bill. On

the question being put, that the Speaker do leave the chair,

Mr. Herbert (of Kerry) rose, however unwilling he might be to trespass upon the attention of the House, or to retard the progress of the Bill, to say a few words upon this important subject. The honourable gentleman then, after taking a concise view of the nature of the measure, and of the circumstances which had attended the progress of the Bill of 1789, upon which this was founded, avowed himself friendly to the principle of the Bill—to a restriction of the powers of the Regent so far as may be necessary for the safe custody of his Majesty's person, and the security of his private property; but, in a moment like the present, he could not agree to any other limitations of the Royal prerogatives to be placed in the hands of the Prince Regent.

Mr. Whitbread desired to know whether the Resolutions agreed to by both Houses of Parliament had been referred to the Committee on this Bill; as, if not, he should feel it to be his duty to move that these Resolutions should be so referred. His object in wishing to have the Resolutions of the two Houses brought immediately under the consideration of the Committee, was, that they might, in going through the Bill, be able to ascertain how far the framers of it had adhered to, or departed from, the purport of those Resolutions; and, if he was not greatly mistaken, it would be found that the departure from the tenour of the Resolutions by the framers of the Bill was greater than had taken place in any instance within his recollection in Parliament.

The Resolutions not having been previously referred, it was then ordered that it be an instruction to the Committee upon the Bill, that they have power to take into their consideration the Resolutions of the two Houses of Parliament respecting the Regency.

The House having resolved into the Committee on the Bill, Mr. Lushington in the chair;

The first and second clauses were agreed to. On that part of the third, respecting the signature to be substituted for the sign-manual, being read,

The Chancellor of the Exchequer, as this clause had not made a part of the former Bill, felt it necessary to explain to the Committee the grounds upon which it had been introduced into this. As the former Bill was worded, it was

doubtful how the Regent was to sign any instruments, to give them validity; whether he was to sign in the King's name, in his own name, or in the King's name by his own. The former Bill, too, required the signature to be in words at length. This clause, then, was introduced for the purpose of removing any doubt on the former head; and, as there were many and multifarious documents waiting to be signed, it was thought desirable that the labour of the Regent, in applying the Royal signature, should be as much abridged as possible, and consequently the initials G. R. by G. P. R. were substituted for the names at length. It was deemed necessary, too, to provide in the Act itself for the validity of such signature, in order that no doubt on the subject should operate upon minds such as Mr. Larpent's, or others. These were the grounds for the introduction of the clause; but he should be happy to attend to any suggestion or amendment which might come from the quarter most interested in the provision.

Mr. Adam had no objection to the course pointed out by his right honourable friend, for the reasons he had stated; subject, however, to an understanding, that if any thing should occur afterwards, to render any alteration in the clause desirable, the amendment might be made on the report. The clause was then agreed to, and a small *t* after the last R. was ordered to be omitted.

The fourth clause, providing for the security of places held during his Majesty's pleasure, to the persons holding the same, until the Regent shall declare his pleasure to the contrary, being read, was negatived.

On a clause being read, beginning, "And be it farther enacted, that when his Majesty shall be restored to such a state of health as to be capable of resuming the functions of the Royal authority,"

Mr. Whitbread said, he was aware of the delicate nature of the subject on which he was about to enter, but he felt it to be his duty to oppose the wording of this clause.—He believed that the expression now made use of, namely, 'that when his Majesty shall be restored to such a state of health as to be capable of resuming the functions of the Royal authority,' were different from the expressions made use of in the Bill of 1789. He did not recollect the precise expressions of that Bill, but he thought he was sure that they were different from those in the present. How-

ever, should this expression happen to be exactly that of the Bill in 1789, the circumstances of the present period render them now totally improper, for he believed that no state of health would enable his Majesty, with propriety, to resume the Royal authority, except that of complete mental health. This House and the country are perfectly aware that several times since 1789 his Majesty has not been in perfect mental health. This was clearly established by the examination of the Physicians before the Committees of this House and the House of Lords; yet, during these periods of Royal incapacity, it was well known, that the functions of the Government had been carried on without interruption. He should wish a more precise language to be adopted. He wished to substitute the words, "that when his Majesty shall be restored to a full state of mental health, so as to be capable of resuming the Government." The subject, however, would come more properly to be discussed in an after part of the Bill.

The Chancellor of the Exchequer said, that he was not convinced by any thing that had fallen from the honourable gentleman, of the propriety of the alteration suggested by him. The expression made use of in the Bill was exactly that of the Bill in 1789. That honourable gentleman had urged as a reason for departing from the expression used in the Bill of 1789, that the country was now in a different state from what it was then in. He could not allow that such an argument could carry any weight with it. He denied the proposition of the honourable gentleman. They were not at present to consider the state of the country. The present, he contended, was a general constitutional question, not affected by any such particular circumstance. He could, therefore, not see the propriety of the alteration. It might, no doubt, be proper when a notification was first made to the country by the Physicians of his Majesty, of his recovery, to specify the particular state of his health; but he contended, that when his Majesty should present himself to the country, and declare his intention to resume his authority, there could not be the smallest hesitation about his right. He repeated, that he saw no difference between the periods of 1811 and 1789.—If any of those at the helm of affairs have at any time misconducted themselves, it may then be a matter of charge against them; but this could be no reason for departing from the principles of the Constitution of the country.

Mr. Whitbread agreed with the right honourable gentleman, that when his Majesty shall present himself to the nation in perfect health, no authority can keep him from his throne; but he contended, that from the circumstance which he had stated, it became necessary to define what is perfect health. He maintained that it was notorious, that the Royal authority had been exercised when his Majesty was not in perfect health; and it therefore became necessary, that a clause should be introduced, which might remove all doubts on the subject. He said he had seen the Regency Bill of 1789 before coming to the House, and believed that the expression in it differed from that proposed at present.—Put and carried.

On the reading of the clause, "And be it further enacted, That the said Regent shall be deemed and be taken to be a person holding and executing an office and place of trust within England, and shall take and subscribe such oaths, and make and subscribe such declaration, and do all such acts as are required by the laws and statutes of that part of the United Kingdom called England, to qualify persons to hold offices and places of trust; and to continue in the same in such manner as in and by the said laws and statutes are required, and under such pains, penalties, forfeitures, and disabilities, as are therein and thereby appointed and ordained."

Sir Samuel Romilly stated, that this clause appeared to him to be more objectionable than any other in the Bill. In it the Prince is declared to be holding an office of trust—he is made amenable, like any other individual, to the laws of the country. The effect of this clause cannot fail to strike the mind of every person; it goes to operate a complete change in the government under which we live.—To make the person entrusted with the Royal Authority amenable to the laws, may be a better mode of government than the one under which we live; but it was not the government of our Constitution. He remembered hearing the Chancellor of the Exchequer state to the House, that the maxim, "The King can do no wrong," applied equally to the Prince; but that his advisers were in like manner, with those of the King, amenable to the nation. How can he reconcile such a maxim with the present clause?—Does he mean that this wholesome maxim shall be relinquished, and that the Regent may be brought to trial for what he should do in the exercise of his office?—Would he have an information filed by

his Majesty's Soliciter-General against him? With respect to the Regency being a trust, he had no doubt that the office of King was also a trust—but to declare that the person who holds the kingly office is amenable to the laws of his country, is subversive of the most important principle of our Constitution. He was astonished that the danger of this clause could escape the Committee, and he hoped they would not consider the remarks which he had thrown out as unsuitable or improper. He had had no opportunity of communicating with any of the members of the Committee on the subject before now, otherwise he would have previously suggested an alteration respecting it.

The Chancellor of the Exchequer did not know whether the learned gentleman had looked into the Bill of 1789, which contained a clause exactly similar to the present; or whether he had looked into the Act 5 Geo. III. where it will be found, that the Regent is to qualify as for an office of trust; or into the Act 24 Geo. II. which contains a clause of the same description. If he had, he would have found, that in inserting the present clause, they were only following what had been done in 1788 and 1789, and other periods when a Regent has been named. He would, therefore, put it to the Committee, if it would be desirable to depart from precedent on this occasion? There can be no doubt that the objections of the learned gentleman would not be at all obviated by the leaving out of the clause. This is not enough; it would require an express enactment—an enactment, that the Regent is not to be accountable to the country for his administration. The Regency was an office not known to the Constitution, and therefore, very properly distinguished from the office of King. He contended, that nothing in the clause could have the monstrous effect that the honourable and learned gentleman anticipated from it. He agreed with him that the Regent's advisers were precisely in the same situation in regard to the country, as the ministers of the King; but it did not follow from this, that the conduct of the Regent was to be exempt from inquiry; and he repeated, that the removal of the clause would not have the effect of producing any alteration in that respect.

Sir T. Turton felt the more impressed, from what had fallen from the right honourable gentleman who spoke last, of the necessity of adopting the idea of the honourable and learned gentleman who had objected to this clause. Here

it was expressly laid down, at least was left to be inferred, that the Regent was to be a responsible person, accountable for the acts of his government. In other cases of Regents and Councils, such responsibility might be supposed naturally to attach; but that could not be fairly argued as a principle applicable to a sole Regent—one who had, or ought to have, the whose *Regia Potestas*. In one thing stated by the right honourable gentleman (Perceval), that we knew nothing in our law books of a Regent, he could not agree. In the 12th and 19th of Edward III. the right honourable gentleman would find that Regents had been appointed without any limitations.—He could not, therefore, consent to the wording of this clause.

Mr. Henry Smith conceived that a certain duty devolved on the Regent, for the execution of which he must be presumed to be held responsible. But, if not to be a responsible officer, that, to his conception, must be done by an express clause, declaring that to be the fact.

Mr. Tierney conceived the present clause to be completely at variance with the Resolutions of the two Houses, by which his Royal Highness had been called on to take on himself the administration of the executive duties of the Crown, in the name of the King, thereby shewing that he was to be an irresponsible person. Was he now, however, to be told that he, who was to exercise the duties of the Crown, was to be treated as an exciseman? If this was the mode in which they meant to act towards his Royal Highness, they ought to address him afresh, and tell him, that though he was to exercise the whole functions of Royalty, in the place and in the name of his father, still he was to be treated and to be regarded as the lowest officer holding a place of trust or confidence under the Crown. Of this, at least, he (Mr. Tierney) was certain, that the terms of the Resolutions come to by the two Houses, and by them presented to the Prince of Wales, and this clause in the Bill, were completely at variance. He submitted that it would be better if the oaths to be required of the Regent were put into a clause by themselves. When it was considered that the Regent whom the Bill proposed appointing, was Prince of Wales—the Heir Apparent—a Privy Counsellor—he thought it was too much to describe him in such disrespectful terms, as a *person*.

Mr. Perceval trusted, when it was stated that the clause in question was taken *verbatim* from the Bill introduced in 1789, it would not be imputed to him that he could have had any intention of treating his Royal Highness as an ex-

ciseman, or in any manner which might not be supposed to carry with it the highest respect. If his honourable and learned friend would read the Bill of 1789, he would find that they had not degraded the Prince of Wales, but that they had been regulated entirely by the clauses in that Bill —and they would find it, and the clauses by which it was followed, were exactly in pursuance of the Resolutions of the two Houses, and of the proceedings in 1789, on which those Resolutions were built. After this it was apparent that it could not have been in his contemplation, by the introduction of this clause, to degrade the Prince of Wales: But it did not now seem to him to be necessary to alter what had been agreed to in 1789.—The right honourable gentleman (Tierney) had said that the oaths proposed in this clause to be administered to the Regent, might be spared—*(Sir S. Romilly said, the oath administered to the Exciseman).* Was that a fair description of the matter, because that was the law oath of the exciseman, as well as of every other description of persons holding offices in the country, and that his honourable and learned friend should hold this as an unnecessary degradation of the Regent? Such an idea he completely disclaimed—and if his honourable and learned friend would point out any other words which would answer the object and might seem less objectionable, he should not oppose the alteration. But when it was observed that these same words were to have applied in the 5th Geo. III. to all the persons who were to have any share in the Regency then proposed to be provided for, it would be for the Committee to consider if they ought to depart from this precedent on their Statute-book, lest they should seem to subject themselves to the alleged charge of acting disrespectfully to the Regent.

Mr. Ponsonby thought all the objections might be remedied by the omission of certain words of the proposed clause; and he was certain, if such words might be omitted out of a clause relating to any Regent at any time to be appointed in this country, they might safely be omitted in this case, where the person proposed to be appointed was the Heir-Apparent to the Crown, and of full age. The words he should propose to omit were the following—"shall be deemed and taken to be a person having and executing an office and place of trust within England, and——." The omission of those words would do away the inference of responsibility, as applicable to the person of the Regent, which they were calculated, while they remained in the

clause, to produce. The right hon. gentleman seemed to impute consequence to these words, and even to allege that they must be proper, because they had appeared in a Bill introduced in the year 1789. But, perhaps, these words might have escaped observation at that time, in consequence of there not being then in Parliament any person possessed of the acuteness, and of the legal and professional knowledge of his hon. and learned friend (Sir S. R.)—(*Murmurs on the Ministerial side of the House.*) Gentlemen might murmur; but he did not esteem it a disparagement to any man, to say that it might so happen that there might not be in the House of Commons, at the period to which he alluded, a man of the same acuteness, and of the same general and extensive professional skill and knowledge, as his honourable and learned friend; and that it might be owing to this circumstance that the clause appeared in that Bill in the objectionable shape in which it now stood, and in which it had been introduced into the present Bill. As to taking the necessary oaths, he was satisfied the Prince of Wales would have no objection, and he (Mr. Ponsonby) should have had the less objection to the introduction of such order, had the Regent proposed to be appointed been any other than the Heir-Apparent. He should propose to omit the words he had before read, by which they would leave the question of responsibility untouched.

Sir Samuel Romilly assured the right honourable gentleman (Perceval), that he did not mean seriously to impute to him any desire of insulting his Royal Highness. He had referred to the exciseman's oath, simply with the view of pointing out of what description the proposed oaths were, and which, in his opinion, it was not desirable that the Prince of Wales should be required to take. It was well known that they were become useless; that the one half of those to whom it was already prescribed to take them, did not take them; and that an Act was passed annually, indemnifying all who omitted to do so. Were they then to impose the oath on the Regent without cause, and to tell him that the omission of taking it subjected him to the forfeiture of his office? He could not suffer, however, that any doubt should remain as to the nature of the Constitution under which we lived, which must be the case if it was left in uncertainty, whether the Regent was to be a responsible or an irresponsible person. Was not the first clause in the Bill conclusive on this subject? Did they not commit the

administration of the Royal authority, during his Majesty's indisposition, to be exercised in his name by the Regent? And was that not a part of the prerogative, the most important in itself and in its consequences to the country, that the King can do no wrong? He was surprised to have heard it questioned, that this should equally apply to any person invested with the Royal prerogatives; and he thought it essential that the House should learn the sentiments of the King's law officers on the subject, and if this was their opinion. His own opinion was decided, that the King can do no wrong; he was, of consequence, also of opinion, that some person or other must be responsible for any act which might be done; and, if this clause now objected to should be struck out, he had no doubt that the responsibility could not be supposed to attach to the Regent, but to those servants who might be employed under him. If others should be of a contrary opinion, according to his view of the importance of the question, he thought the best thing the Committee could do would be to postpone the clause, to give them more time to reflect before they sanctioned a doctrine quite new, and unknown to the Constitution.

Mr. Stephen should have been of opinion with the honourable and learned gentleman, that the words proposed to be omitted should be left out of the clause; but when he heard it contended, that, to the whole extent of his acts, the Regent must be held completely irresponsible, he must declare that he was of a very different opinion, and it would give him great uneasiness to see such a doctrine lightly treated in the Committee.—He admitted that a Chief Magistrate could not be punished while he continued in office; and that, as in the case of a Governor of a Colony, he was irresponsible till the dissolution of his trust. But was it ever heard that he was irresponsible at the time of his leaving his government? So, he was of opinion that a Regent would become responsible for his acts, at the termination of his Regency. That, after the sovereign authority was re-invested in his Majesty, the Regent would not be responsible for abuse of his power during the time of his Regency, was what he (Mr. Stephen) could not admit.

Sir A. Pigot was for omitting the whole of the clause, and he submitted to his right honourable and learned friend (Perceval) if that was not the proper mode of proceeding. The Committee had now in some parts got quit of the

alleged precedent in the Bill of 1789, and why not get quit of the whole Bill? Was it becoming that the Regent should be subject to pains, penalties, and forfeitures for omitting to take oaths which he might be aware to be necessary? He was of opinion that the Committee ought to omit the whole clause, and in lieu thereof, introduce all the oaths to be taken, and declarations to be made by the Regent, who would then know distinctly what oaths he was to take and what declarations to make. Why should not these be all introduced into this part of the Bill; and made equally obligatory on him as the preceding oath? Did they wish that the Regent should be subject to *qui tam* actions for not taking oaths, when they did not tell him what were the oaths, which he ought to take? He had been told that it was not above any public officer to take an oath, when the King was bound to take oaths. This he admitted, but then the statute prescribed what oaths the King was to take. He submitted to the candour of his right honourable friend, if this was not the preferable mode of treating the Regent, and, in point of form, that the whole clause should be omitted.

Mr. Perceval should have been ready to leave out the words proposed by the right honourable gentleman (Mr. Ponsonby) to be omitted; but he felt a reluctance to part with the whole of a clause which already stood on the Statute-book, without considering with greater deliberation how far it might be expunged with safety. If gentlemen on the other side wished it, however, he had no objection that the clause should be postponed.

The clause, as it originally stood, was then postponed.

The clause fixing the period of the endurance of the limitations or restrictions being read,

Mr. Perceval moved that the first blank be filled up with the words "first of February, 1812."

Mr. Adam said, that if he understood the object of the right honourable gentleman (Mr. Perceval), the blanks to be filled up were of two kinds, the one fixing a time for the continuance of the restrictions, and the other a prolongation of that period after the time first fixed should have expired. He begged that the right honourable gentleman would give the Committee to know how the clause would stand after all the blanks had been filled up?

Mr. Perceval said he had left a copy of the Bill, with the blanks filled up in the way he intended to propose, in

the hands of the Chairman, with the view that gentlemen might have an opportunity of satisfying themselves as to what he should propose as to the period of the limitations. The first blank, he purposed to fill up with the words "First of February, 1812." Second, if Parliament had then been sitting for the space of six weeks, the period of the restrictions would, in that event, terminate on that day; if it had not then been sitting for six weeks, the period, in that case, was to be extended till the six weeks of the sitting of Parliament were completed; and if Parliament should not be then sitting, then the period was to be enlarged till such time as the Parliament had actually been sitting six weeks after that date, from the period of its meeting.—Namely, the period of restrictions may actually expire on the 1st of February, 1812, if Parliament has then been sitting for six weeks; it will expire if Parliament be then sitting, on the day it has been sitting for six weeks: and if Parliament be not then sitting, it will expire the moment the next Parliament to be assembled shall have been sitting for the space of six weeks. The object of the additional blanks, after the first, was not that the restrictions should be continued for an additional period of time; but merely to secure that Parliament should have been sitting six weeks immediately previous to the expiry of the restrictions. He had formerly explained it to be his meaning, that twelve months were not too much to allow for the chance of his Majesty's recovery; and beyond that, it was necessary that the last six weeks should be during a Parliamentary sitting. Not that he meant to say that it would then be necessary that Parliament should proceed to consider, whether the period of the restrictions ought to be enlarged; but, that it might then be open to consider of these restrictions. Or, if the House should then be satisfied that the King was even in a state of perfect and complete recovery, yet, under existing circumstances, it might be convenient to prolong the power in the hands of the Regent, with reference to the peculiar circumstances which might seem to present themselves, and to render such a step, though for a short period, expedient and necessary.

Mr. Ponsonby observed, that it was natural for those who were in favour of restriction to endeavour to extend their duration as long as possible; but it was as natural for those who were adverse to restrictions to wish, that if imposed they should remain for as short a time as possible. He

agreed with the right honourable gentleman, that little of a novel nature could now be said on the question, and therefore he would be brief. The right honourable gentleman said it was expedient that the time should be so disposed as to give Parliament an opportunity of examining whether the restrictions should actually expire at the stated period. Did he mean by that to say, that the Regent would be anxious to interpose any obstacle in the way of the resumption of the Royal authority by his father? Or did he think, if a Regent could have any such base purpose in contemplation, that Parliament and the people would not prevent its being carried into execution? But, to bring this subject again under discussion in Parliament, would have a tendency to load the Regent's government with difficulties, such as he did not choose at present to describe. To continue the restriction for a much longer period, would be better than to bring the subject again into discussion. He hoped the Committee would reject the proposition as reflecting upon the Regent, convinced that it was impossible he could do any thing to embarrass the government of his father when his Majesty should be in a condition to resume his authority.

He would not now dwell on the general subject of restriction. It had been decided, that there must be some restriction, but then it ought to be for the shortest reasonable period; and, therefore, he would move an amendment, that the restraint should only continue till the expiration of six calendar months from the time of passing this Act. The question then between the Chancellor of the Exchequer and him would be, that the right honourable gentleman proposed a period of twelve months, subject to prolongation by Parliament, and that he wished to limit the duration of the restriction to six months certain.

Mr. Perceval admitted that the merits had been so much discussed, that no novelty could be expected. But he must oppose the amendment, especially without the provision that the restriction should continue till the close of six weeks from the commencement of a session of Parliament. He admitted that those who contended that there should be no restriction at all, might naturally wish to render the duration of it, when imposed, as short as possible; but both Houses having determined that there should be restrictions, it was proper that they should continue for a reasonable time. The House of Lords had even extended

the restriction farther than the Commons had done, by expunging the exception as to naval and military officers. The use of the restriction as to peers was this, that the King might on his recovery find the House of Lords in the same state, and it was reasonable that the duration should be sufficiently long to cover the whole period when hopes of recovery could be entertained. If he were asked, when he thought his Majesty would recover, he would answer, that his hopes were ardent and sanguine that the recovery would be perfected in a much shorter time than that to which it was proposed to extend the restriction. But was it reasonable or delicate that they should grudge some weeks, or even months, as if they were eager to catch his Majesty, and peremptorily fix a period beyond which not a day farther would be allowed? Suppose the order of the duration of his maladies had been inverted—that the first had continued only four months, that the next had continued longer, and they had thus gone on increasing, he would ask, if three or four months from this time would be a reasonable period for the restrictions to last? In the present instance, indeed, six months from this time was proposed; but it ought to be recollected, that the physicians, though they agreed as to the soundness of his Majesty's constitution, had stated that his advanced age might retard his recovery. Ought they not then to legislate on this point, with a view to the circumstance he had mentioned; and if they were to appoint any time at all, to take care that it should be reasonable? Besides, his Majesty had never yet been exposed on his recovery to the trial of finding a Regency established. Providence had prevented the necessity, and he had found things as before. He trusted in God that no measure of Parliament would be such as to occasion a relapse; but even the very mechanism, if he might be allowed the expression, by which his power must be resumed, might perhaps retard his recovery. If then the longer period of restriction was consistent with a just regard to the public service, he hoped the Committee would not nicely measure and criticize the time.

But in another view the longer period should be adopted. Supposing the restriction to commence the 1st of February, upon the plan of the amendment, it would expire on the 1st of August, a period at which Parliament would probably not be sitting. In the Bill of 1788-9, the period fixed was three years; now the shorter the limitation, the more

necessary it was that Parliament should be sitting. Suppose three months had been proposed instead of six, and that they should expire when Parliament was not sitting; and suppose his Majesty nearly recovered, would it not be extremely inconvenient that the means should not exist of prolonging the restriction for a few days or weeks longer? But then it might be said, there was nothing to prevent the sitting of Parliament till August; true: but it would be at least very inconvenient that it should be kept sitting after every other public business had been dispatched. In every view, he thought, the period he had proposed not too long, and he confidently hoped the Committee would agree with him.

Mr. Whitbread agreed that much new light could hardly be expected to be now thrown on the subject; but at the same time, when the right honourable gentleman had made a warm appeal to the feelings of the Committee, in his usual way, he thought it right again to appeal to its judgment. The right honourable gentleman had fallen into his common error of using an argument which proved too much; for if the appointment of a Regent would endanger the King's recovery, this would go to prevent any proceeding upon the subject at all. The right honourable gentleman would propose to allow matters to remain quiet while he and his colleagues exercised the Royal powers which they had assumed, without any steps to supply the defect in any other manner. If they took the first step, where were they to stop? The King's recovery might be retarded by their proceedings, and, according to the argument of the Chancellor of the Exchequer, they ought to sit still and do nothing. He talked of the two Houses having agreed upon the question of restriction; why he must know very well that the restrictions were at first negatived in the House of Lords; and that as to peerages, only carried at last, in consequence of the exception in the case of the naval and military affairs having been given up. The right honourable gentleman had treated that exception, while the Resolutions remained in the House of Commons, as a point of the most vital importance; but now, when he had failed in carrying it, he affected to think lightly of the matter. This reminded him of the Fox and Grapes. The right hon. gentleman had repelled the charge of insulting the Prince of Wales; but what had he been doing that night? He talked of protecting the King; against whom

was he to be protected? Against the Prince. Why then it was assumed that the Prince intended so to embarrass the government of his father, and to abuse the prerogative entrusted to him in such a way as to retard or prevent his Majesty's recovery. The Parliament, said the Chancellor of the Exchequer, ought to be sitting at the time when the limitations expired. Why? He (Mr. Whitbread) contended that, if the subject was again to be brought under review, it would expose his Royal Highness to the additional mortification of hearing again of the necessity of these degrading restrictions. Did he think it desirable to have this subject again discussed in Parliament? If the period of three months were proposed, the same Parliament, said the right honourable gentleman, would probably have to take up the matter again. Did not the right honourable gentleman observe that the Regent would have the power of dissolving the Parliament? He trusted that neither he nor his Ministers, whoever they might be, would resort to that expedient; but there was a man in the House, who would not scruple to dissolve Parliament if it happened not to suit his purpose (*Hear, hear!*). Why then it would not follow as a matter of necessity that the subject should come before the same Parliament. But he talked of the protection afforded to the King by the restriction as to peerages; why did he not extend his restriction to the creation of baronets? His principle would go that length; and though he himself has created baronets in great numbers, yet this power might be turned against the King as well as the creation of peers. The Right honourable gentleman had not convinced him that any restriction was necessary; he could not conceive how protection should be wanted; but if there were to be restrictions at all, it was desirable that their duration should be as short as possible.

Mr. Canning observed, that if the restriction as to peers had a reference to the time when no hopes could be entertained of his Majesty's recovery, he should consider the longest period proposed as not long enough. If that was the light in which the restriction as to peerages was regarded, why not pass the Bill without any limitation in point of time? But the precedent of 1788-9, for a restriction of three years, had no reference to the duration of his Majesty's illness, but its object was to prevent the House of Peers from obstructing any alteration in the Bill that might be found necessary. He could now more confidently speak

on that point, after having had the advantage, which the Ministers might also have had, of conversing with a member of the then Cabinet, the nearest of blood to the author of that Bill. If then the creation of peers by the Regent was to be suspended till all hope of his Majesty's recovery was lost, he said that a year was not the proper period, but that no limitation of time at all ought to be fixed, but that the matter should be left to future Parliaments to act as the necessity of the case might require.—But he was aware that many felt it to be right that there should be some difference between the case of a devolution of the Royal dignity and that of a Regent created by act of Parliament; between a demise of the Sovereign and that of a temporary incapacity; and that for a time, therefore, this splendid prerogative of creating peers should be withheld. He had already given it as his opinion that the power ought not to be suspended at all in the present circumstances; but if there was to be a suspension, he thought the shortest period the best.

But he was adverse to the longer period, accompanied with the six weeks, on another principle, for then the matter would again become subject to Parliamentary investigation. Now he did think that one of the main arguments in favour of the proceeding by Bill was, that the exercise of the Royal functions would thus be settled once for all. If the Regent was subjected to the disadvantages of this course of proceeding, he ought also to have the advantages, without having the *onus* put upon him of contending about the termination of the period of the restrictions. Such an argument might be held invidious in him and his Ministers, and they ought to avoid placing them in such a situation. He objected then to the longer period—but if the restriction could be supposed to refer to the duration of the King's illness, it ought to extend through the whole of his Majesty's life. The restriction in 1788-9 had no such reference, nor ought this to be regarded in that view. He thought it desirable to avoid any future Parliamentary investigation, and concluded by declaring his preference of the amendment, as fixing a shorter period for the duration of the restriction.

Mr. Bathurst said, that in looking at the period of 1788, they ought to take into account the circumstances of time. At that time the particular nature of the malady was unknown—it was new both with regard to the King and to the Throne of this country—and Mr. Pitt's idea was to fix no

precise period for the termination of the restrictions, but to permit Parliament to act as circumstances might require. But then it was said that the Lords, having once succeeded in shutting the doors of their House, might never be disposed to part with that privilege—and on that account it was insisted by Sir W. Pulteney and others that some period should be fixed: five years was at first talked of; but at length three years was agreed to. But nobody contended that at all events the restrictions should continue for three years—and there was no doubt that Mr. Pitt would have consented to limit the period, if the physicians had reported that they had no hopes of his Majesty's recovery. His Majesty had recovered in a much shorter period than was expected—and it had been ascertained that his malady would probably last no longer than about six months, and it was exactly conformable to the principle of the proceeding in 1788, that full time should be given to cover that period, and rather more. It had been said, that in this view it would be proper to extend the restriction to the whole of the King's life-time; that, however, was not necessary, because experience had given them grounds of hope that his Majesty's malady would be of no long duration. An honourable gentleman (Whitbread) had asked why the restriction had not been extended to the creation of baronets as well as to peerages; but it was a confusion of terms to maintain that peers and baronets were on a similar footing as to power and honours. It had also been said that this was a reflection on the Prince; and yet the same gentlemen were contending that the Prince would be irresponsible. He thought it unconstitutional to say that this was a reflection on the individual. They were legislating on the general principle, without reference to one individual more than another. (*Hear, hear!*) As to the question of responsibility, this much was clear, that during the continuance of the Regent's government, the House would only look to his Ministers. It was a mistake to think that any invidious task would be thrown upon the Regent or his Ministers as to the termination of the restrictions. The law would remove them, unless some one should propose to continue them longer upon offering to prove that there was a near prospect of his Majesty's recovery. There need be no discussion of the general principle. The period of twelve months he thought not too long, and he would oppose the amendment.

Mr. Whitbread, amidst loud cries of question, rose to explain. The right honourable gentleman (Bathurst) could not suppose him ignorant of the fact, that there was a difference as to power and honours between a peer and a baronet; but when the object was to create a great Parliamentary interest, this might be done to a considerable extent by the creation of baronets—and even Privy Counsellors might be created with the same view, though they should be persons from whom no counsel was expected. (*A laugh, and hear, hear!*)

Mr. Bathurst did not know why the honourable gentleman should have alluded to the situation which he held.

Mr. Whitbread (interrupting him) declared upon his honour that he did not allude to him. He did not even advert at the time to the fact that the right honourable gentleman was a Privy Counsellor; but, at any rate, he was certainly one from whom some counsel might be expected.

Mr. Tierney wished to make one observation. There was no security against the Regent in this long period of restriction that might not be attained by the ordinary forms of the House. The right honourable gentleman had said, that if the limitation of six months was agreed to, it would expire at a period when Parliament would not be sitting, and, that the Prince might then create Peers before Parliament could determine whether or not the restriction ought to be continued. This certainly did convey an improper imputation on the Prince: but the Parliament would probably sit for four or five months, and if at the close, any member should think that the restrictions ought to be continued for a longer period than six months, he might move for leave to bring in a Bill to extend their duration. This would be the best course, if consistent with the forms of the House.

Mr. Perceval said, that no other Bill could be admitted on this subject in the present session, without a special clause in this Bill to authorise it. But he begged of the Committee to consider how this proposition clashed with the argument of the right honourable gentleman under the gallery (Mr. Canning.) The one deprecated all future Parliamentary investigation on this subject—the other made a proposal which almost necessarily led to a reconsideration. Was this the way in which they agreed in their opposition to the limitations which he had suggested?—(*Loud cries of*

hear, hear! *from the Ministerial side.*)—In opposition to the charge of insulting the Prince, he observed that the matter had been placed on its true ground by his right honourable friend (Mr. Bathurst). They must legislate on the general principle, without reference to any individual.

Mr. Tierney stated, that he had made the proposal upon the supposition that it was consistent with the ordinary forms of the House. If such a special clause was necessary, he would not agree to it.

Mr. Perceval said, that the difference between him and the right honourable gentleman under the gallery was the same in either way, for even though the special clause had not been necessary, the subject upon his plan must have been again considered in Parliament.

Mr. Fuller rose, amidst loud cries for the question, and stated, that the Physicians had fixed twelve months as the period, beyond which they would have no hopes, if the malady lasted so long. Why then should they not continue the restrictions for that time?—For his part, he was determined to protect his Sovereign to the last.

The Committee then divided on Mr. Ponsonby's Amendment:—

For the Amendment - -	160
Against it - - - -	184
Majority - -	24

The proposal of Mr. Perceval for continuing the restriction for twelve months, was then agreed to.

On the clause being read respecting the granting of places in reversion,

Mr. Tierney said, that no inconvenience could certainly arise from imposing some general restrictions on the gift of sinecures, yet he believed the right honourable gentleman would hardly say that these were things of which the distribution was personal to the Monarch, or that the power of bestowing them existed merely for the purposes of self-gratification to the Sovereign. Nothing more strikingly displayed that *marked distrust* in his Royal Highness which pervaded the whole measure, than this distinction which it was proposed to draw by the clause then under the consideration of the Committee. The right honourable gentleman had indeed assumed as the pretext or ground for all his

reservations, the probability of the Regent being surrounded by dangerous advisers. This was very well, provided an equal vigilance was exercised on the similar probability of his Majesty being placed in such a predicament (*Hear, hear!*)

The Chancellor of the Exchequer remarked, that as long as the assertions or insinuations respecting any distrust, or any suspicions entertained on the part of the framers of the Bill against his royal highness the Prince of Wales were repeated, so long and so constantly would he continue to deny them. He felt confident that those who used them had no fair end in contemplation, which such means were calculated to attain. He himself was of opinion that his Royal Highness, under a full consideration of the situation of Ministers, and of the arduous duties which they had to perform, could not be inclined to put a harsh construction on the motives by which they were actuated. If indeed it were possible that he could be mean enough to wish to recommend himself to the favour of the Prince by studying the modes of ingratiation, the course that appeared to him most eligible with such a view, would be that he was then engaged in pursuing. If he could reconcile it to his mind, to act upon such a principle as he had described, he would still persevere in the measures he had proposed, because he felt convinced that the Regent, if employed in searching for a Minister on whose firmness and integrity he might rely, could not be better directed in his choice than to those who had preserved unshaken their fidelity to the Monarch (*Hear hear, hear!*). If he wanted a faithful servant, where could he look more properly than to those who had done well in a former service? (*Hear, hear!*) This would be the line of conduct to which he would adhere, and in so doing he should act upon the persuasion that the Prince's favour would be his ultimate reward, and that the impression which it must make on a benevolent heart and an enlarged understanding, would be to conciliate esteem, not to inspire aversion (*Hear, hear!*).

The observation of the right honourable gentleman (Mr. Tierney) sprang from an argument founded on the Civil List. The revenue of the Civil List was disposable only for the term of the King's natural life. This, therefore, was a direct limitation on the King himself; and was it to be argued that there was any impropriety in imposing temporary exceptions on the authority of the Regent? The

principle was here the same; the limitation referred in either case merely to time, and could not be discussed on different grounds. It was true that in the Four and a Half per cent. Fund provision was made to enable the Crown to grant further pensions; but the funds thus appropriated were at present so burdened, as to render it impossible to have recourse to them. And as no aid could at present be derived from that source, he conceived it unnecessary to accede to any alteration in the clause.

Mr. Tierney had heard with some pleasure, but with no great surprise, the oration of the right honourable gentleman. It was, in fact, neither more nor less than one of Mr. Pitt's speeches, and might be found in the Parliamentary Register. (*A laugh.*) He was well informed that grants from the Civil List could only be for the term of the King's life, but was unable to perceive in what manner this shewed the propriety of making new encroachments on the power of the Regent. The successor to the Crown always acted under the implied obligation of renewing such pensions as might fall in consequence of the King's death, and he could not see any good reason why the Regent in other cases might not distribute such as might become vacant. The 4¼ per cent. Fund he knew to be at present burdened; but this would possibly not last, and certainly nothing had been said to prove that, in that case, this fund should be placed out of the Regent's reach. The right honourable gentleman's frequent allusions as to who were, or who termed themselves the Prince's friends, induced him to think that he (Mr. Perceval) regarded himself as the certain Minister of his Majesty. If so, it was easy to guess what the right honourable gentleman meant by his favourite phrase of "standing by his Sovereign," and he trusted he would never be so far misunderstood as to have it supposed that it conveyed any such meaning as "standing by his country."

On the following clause respecting the Regent's residence in Great Britain, the words "and Ireland," were inserted on the suggestion of Mr. Perceval.

The clause respecting the Household being read, Mr. Perceval rose again, and, after expressing his wish to meet what he apprehended was the prevailing sense of the House on this subject, observed, that among the arrangements which he was anxious to provide in accomplishing that object, were the following:—That the office of Lord Chamberlain, now vacant, should not be filled, but that its duties

should be performed by an officer under the Regent, to be called Vice-Chamberlain, and that the Lord Steward of the Household, and the Lords and Grooms of the Bedchamber, though under her Majesty, should not be removable at her pleasure. If they fell vacant, he should propose that they also should not be filled up under this Act. He thought the same regulation would properly apply to the appointments of the Captain of the band of Gentlemen Pensioners, the Captain of the Yeomen of the Guard, and to the King's Equerries. These were officers subservient only to the state and splendour of the Sovereign on particular occasions, and no injury could arise from any temporary vacancies among them. Looking, as he always did, upon this as a measure intended to meet an emergency not likely to be of long duration, the Committee, he thought, would see that what was fit for the short period of a few months, was entirely different from a question that embraced a much longer time. With this recollection always present to his mind, it was part of his plan that her Majesty should have such general power over the Household as might be connected with the custody of the King's person. The three great officers, the Steward of the Household, the Master of the Horse, and the Groom of the Stole, who had the appointment of the King's pages, to be irremovable. Some controul over the Household was essential to her Majesty in discharging her duties in the care of the King's person; and as many of these officers were among those most familiar to his Majesty, it was obvious that he might be affected seriously by finding, on his recovery, that the persons of his own selection had been withdrawn. He disliked, as well as his right honourable friend (Mr. Canning), considerations of pitiful economy; but if the question was considered in the view of equal expence, he might remind the Committee, that the salary saved by the vacant Lord Chamberlainship, would make a provision for the Vice-Chamberlain of the Regent. The whole additional expence to the Country by this measure would not, according to his calculation, exceed 10 or 12,000l.; and he was convinced this could furnish no ground of rational objection against it.

Mr. Ponsonby said, the right honourable gentleman had told them what he conceived they were bound to do on this occasion, in conformity with the Resolutions already passed. Never had he more completely failed. Did he think that the Committee, remembering those Resolutions, could be persuaded that they dictated the propriety of placing the

Lords of the Bedchamber, and the Yeomen of the Guard, at the disposal of her Majesty? Was the office of the Master of the Buckhounds one which it was necessary to leave to her Majesty, or one which was necessary to the comforts of the King on his recovery, when the loss of sight had deprived him of ever more enjoying his favourite exercise? He had understood it to be the opinion of the Committee, that the authority of the Regent ought to be accompanied with a due degree of external pomp and splendour, and that the dignity of the Royal office ought not to be degraded in his person. Could it be seriously pretended by the right honourable gentleman that his Majesty's feelings could possibly revolt at the information of a new Chamberlain being appointed? If it should be said that he might sustain a shock at merely hearing of the death of an officer of the Household—a shock that might produce a relapse—then would it be said that his Majesty was sufficiently restored to the possession of his faculties, to be able to resume the functions of government? (*Hear! hear!*) He thought the course proposed should be directly reversed. The Groom of the Stole, however, and a few of the Lords of the Bedchamber, with the Equerries, and a few of the inferior officers attending the person of his Majesty, should be under the controul of the Queen. He would ask, could the splendour of the Throne be properly supported if the proposition now made was adopted? and if the Regent, who was to administer the government, or the Queen, was best entitled to the forms and dignities of Supreme authority? The public opinion was known, and decidedly against the restrictions. There were petitions to that effect, both from the City of London and the Corporation of Nottingham. He would not believe that his Majesty could ever feel any regret, or deem Parliament to have deserted him, by investing, during his temporary absence, his eldest son and the Heir-Apparent to his Crown, with all its powers and prerogatives, preserving its lustre from obscurity, and its strength from decay. Mr. Ponsonby concluded with announcing his intention of moving an Amendment, on the exceptions of the clause relating to the Household.

Mr. Canning remarked, that he held it to be a principle already adopted, that the Regent should have all the power and influence that could be deemed necessary to the maintenance of his authority, and the due support of the government of the country. He should assume, therefore,

that when the question turned upon any political influence fairly or usually belonging to the Crown, it ought to be vested in the Regent rather than in the Queen. A certain splendour had been already admitted on all hands to be requisite for the Regent.—It seemed to him that the custody of the King did in itself involve some portion of political influence, but he must condemn any proceeding that would reduce the Queen to the necessity of exercising it.—He was disposed to adopt a middle course between the suggestions of the two right honourable gentlemen (Mr. Perceval and Mr. Ponsonby), and would move an amendment that might express this opinion. The Master of the Horse, and the Steward of the Household ought, he conceived, to be of the Regent's establishment, at the same time that he was desirous of rendering his Majesty's restoration to health as free from difficulty or uneasiness as possible. The private feelings and partialities of the Royal mind ought not to be overlooked. It occurred to him, likewise, that the annunciation of his Majesty's recovery should be more formal, and attended with greater solemnity than the mode proposed in the Bill. He was not aware of any extraordinary difficulty that was to be encountered in making the authority of the Queen quite compatible with the authority of the Regent. The situation of the latter was arduous, and he could not bring his mind to justify the withholding any considerable branch of influence from him. His was a representative, not a substantive power, and this consideration was decisive with him, as to the impropriety of appointing a separate Chamberlain. His right honourable friend had urged with much force that the provision made should be suited to the short period for which it was to last. He was, however, of opinion, that when the time arrived that the Regent, the term of the restrictions having expired, would claim an establishment of his own; it would be found to be the fruitful cause of acrimony, and invective, if such a principle was now practically adopted. He wished that future differences should as much as possible be avoided or prevented, and that it should be borne in mind, that the Prince would be clothed, not in his own, but in a paternal and borrowed splendour. Mr. Canning then moved his Amendment.

Lord Castlereagh thought that the first great principle which should regulate their proceedings was, that all difficulties should be disposed of before the Regent was invested with the government, as in imposing that duty upon his

Royal Highness, they were bound to do it in such a manner as might render the discharge of it as easy as possible, consistent with the principles of the Constitution. They were come to that part of their duty, in the performance of which they could not exercise too sound a discretion. It was agreed upon all hands, that that part of the Household immediately connected with the personal service and convenience of the King, ought to be entrusted to the immediate superintendance of her Majesty. This was a trust, and a trust of no small moment. He thought, therefore, that when such a trust was vested, there ought to be vested also the full powers necessary to the adequate discharge of it. Her Majesty, therefore, in his opinion, ought to have full controul over such parts of the Household as were to be entrusted to her. Without that controul, her Majesty would not have the aid she ought to have to assist her in the discharge of that trust. He thought her Majesty ought to have as much controul over that portion of the Houshold as the *King himself* would have in the event of his recovery. He could not go along with the reasoning of a right honourable gentleman on the floor, that this controul would necessarily have the effect of giving to her Majesty a share of political influence that might not be desirable. He saw no grounds for any such apprehension; neither, if there were such an objection, did he think that the withdrawing the power of appointment in case of vacancy by death, would go to cure that objection.

And it was here that he differed from his right honourable friend, who proposed that in case of vacancy by death, certain places should not be filled up during the period of the restriction, and, that not only the appointment to fill up certain of those places, should not in case of vacancy, during that time, be vested either in the Regent or the Queen, but that neither should have the power of removing for that period any of those now filling those situations. This, in a constitutional point of view, appeared to him to be a most formidable principle. It was a leading constitutional principle, that all public officers should be responsible—now there were in the different departments of the Household, holding offices therein, twenty-two Peers and six Members of that House—if neither the Prince nor the Queen could remove any of those persons, whatever might be their opinions of the unfitness of those persons, or any of them, for their respective employments, the consequence would be the anomaly in the Constitution of having so many persons

holding office, and in no way responsible for the duties of those offices. Then, as to the best mode of vesting that power of appointment or removal: he thought it should be vested partly in the Regent, and partly in the Queen—principally and generally in the Regent, as far as related to the appointment or removal of all the great officers of the Household, and in the Queen as far as respected the secondary officers in the minor departments. This he thought would be preserving to the Regent all the authority he ought to have as representative of the King; and it would at the same time devolve upon her Majesty all the controul necessary to the due discharge of that part of the trust reposed in her. Besides, the objection that had been urged to granting the Regent the power of making Peers, did not hold in the case of granting him this general controul in the appointment or dismissal of the great officers of the Household; for in the former case, any abuse of that part of the Royal Prerogative must be permanent, and attended with permanent consequences, which could not occur in the latter case. With respect to the Palace, the provision in that respect must form his Majesty's place of residence for the time being, as the Physicians might think it necessary to remove his Majesty. But this circumstance did in itself shew the necessity of vesting in her Majesty a controul over the second officers of the Household.

Mr. Adam begged leave to state what appeared to him to be the nature and form of the question, and in doing so he hoped he might strike upon that course which would extricate the Committee out of their present difficulties. The Amendment intended to be proposed by his right honourable friend (Mr. Ponsonby) had been superseded by the Amendment of the right honourable gentleman, which was on the original clause. He (Mr. Adam), disposed as he was to adopt the amendment of his right honourable friend in preference, thought that the best means to clear the way before them, and to enable the Committee to come to a vote, would be to move, that after the words "his Majesty's indisposition," all the rest of the words to the end of the clause, should be left out. Then, if the Committee agreed to that, the way would be cleared for the introduction of any of the amendments upon which the Committee might be called upon to pass a judgment. With respect to the confusion apprehended by the noble lord, as to the different offices in the Household, they had all their respective duties.—The

Master of the Horse had one duty, the Chamberlain another —the Steward of the Household a third—the Groom of the Stole a fourth. Their duties were to be severally done; and placing them all under one general and efficient government, would rather lead to order than confusion. At the same time he thought that his Majesty's Equerries, and such other of the Household immediately connected with his Majesty, ought to be under the controul of the Groom of the Stole. With respect to the suspension of the office of Chamberlain, it appeared to him to be an innovation of a most serious kind—one that the department of the Household had never undergone since the institution of the office of Chamberlain; and he begged leave to give notice, in case that part of the clause should that night be carried, he should take a subsequent opportunity of delivering his sentiments upon it fully and freely.

Mr. Wilberforce objected to the mode proposed by the honourable gentleman, of leaving out all the words of one amendment for the purpose of coming to a vote on the question of substituting in their place the words of another. He confessed that he had not a clear conception of the distinct measures proposed, and was apprehensive that more than himself were in the dark upon the subject.

Mr. Hiley Addington said, that the present discussion was the most painful he had ever witnessed. He was distressed beyond measure that such an assembly as that, the British House of Commons, should be debating so long a time upon whether or not they should dole out to his Majesty adequate means to support the Royal splendour. There had been five different plans proposed that night, and so intelligible were they, that he believed that, with the exception of the five honourable gentlemen who proposed them, not one other member in the House understood them. (*A laugh!*) It had been asked, and he (Mr. Addington was ashamed to hear the question, "What had his Majesty in his present state to do with splendour?" But he agreed with a noble lord who at another period said so eloquently, that he thought the calamity by which his Majesty was afflicted, to be a strong reason why the splendour of the Monarch should be kept up with additional grandeur.

The Chancellor of the Exchequer. After what had been so justly said of the obscurity and perplexity of the Amendment proposed by gentlemen on the other side of the House, he thought that the difficulties in the forming of the propo-

sition he had submitted, might well be excused. The right honourable gentleman (Mr. Ponsonby) says, that the Amendment made by him, the Chancellor of the Exchequer, was inconsistent with his declared opinions. He would tell that right honourable gentleman that this inconsistency was forced upon him; he was driven to it by the majority against him on a former occasion; and he did not like to fly in the face of the majority of the House. The right honourable gentleman proposed a short way of setting things right, and clearing the way for the Committee, namely, to clear every thing out of the way that militated against their sentiments. (*A laugh.*) He wished to clear the way of me, that he might then manage the arrangements better himself. One member proposed to leave out a certain word. The right honourable gentleman proposed to leave out a little earlier, from "With:"—He would say that a more extravagant proposition never was made. There are different offices of the Household, independent of one another:—the Lord Chamberlain, Lord Steward, Master of the Horse, and Groom of the Stole; and, therefore, to simplify the matter, the right honourable gentleman proposes that the Groom of the Stole should be put at the head of the whole Household; that the Chamberlain, for instance, should, in the course of his duty, order certain alterations and procure estimates, and that the Groom of the Stole should be answerable. With respect to the portion of authority to be allotted her Majesty, it was proposed that her Majesty should take all the authority not necessary for the discharge of the Regency, so that she should be put into the invidious situation of carving out for herself what she should judge proper. This was a very invidious course. He entered then into an enumeration of the advantages of his plan, and explained the nature of the duty expected from the Ladies and Gentlemen of the Bedchamber. He said that there was a good deal of weight in the objections which had been made by his noble friend under the Gallery,—and had the present arrangements been intended to be permanent, they would have been highly deserving of consideration; but as no part of the powers given to her Majesty shall endure beyond the twelve months and six weeks, he did not feel that there could be any great difficulty in fixing these offices on her Majesty. With respect to the other objection of his noble friend, he had less to say against his plan than any he had heard, that the inferior officers should be appointed by her Majesty, and the superior officers by the

Regent. There was this radical difference between the plans: his noble friend was thinking of a final arrangement, and himself of an arrangement not intended to be permanent. He therefore thought the principle of his own plan was perfectly intelligible, to leave the Queen the controul over all those persons whose attendance on the King is necessary; but, as to the other officers who were not in that situation, that she should not have the power to supply any vacancy.

Mr. Ponsonby said, that the right honourable gentleman opposite had very naturally bestowed his approbation, first upon his own plan, and next upon that which most resembled it, namely that of the noble lord. The right honourable gentleman says, that the proposition submitted by him (Mr. Ponsonby) would have the effect of overturning and disordering the whole of the Household. It did not do this. If the right honourable gentleman's plan should be adopted, the whole patronage of the Household would be transferred to the Queen, with the exception of two offices. This plan gives the Queen what by the Resolutions of the two Houses she was not entitled to have. He himself, on the contrary, contended that this patronage should be divided between the Regent and the Queen. The question before the Committee is, whether the House is prepared to give the Queen the whole Household, with the exception of the two offices, or whether they will adhere to the spirit of the Resolution—that is the question—there is no blinking it; and therefore, should even a length of two days be taken up in penning proper enactments for that purpose, the time would not be ill bestowed.

The Chancellor of the Exchequer stated that he had no intention of troubling the House farther on the subject, but there was such a radical misconception of his proposition in what the right honourable gentleman had stated, that he could not let it pass without remark. He says, that with the exception of the two offices, the whole patronage of the Household is in her Majesty. He forgot the Lord Chamberlain, the Master of the Horse, the Equerries, &c.; and how can it be said that her Majesty has the controul over those whom she has no power to turn out from any of these offices?

Mr. Ponsonby said, that he would take the Chancellor of the Exchequer's own explanation. He had himself used patronage perhaps too vaguely, and he might have added

controul; for the Bill gives the whole controul to her Majesty; so that between patronage and controul she has the whole management of the Household.

Lord Castlereagh explained.

Mr. Hiley Addington supported the Chancellor of the Exchequer.

Mr. Canning said, that the Household was divided into four great offices; the Groom of the Stole, the Lord Chamberlain, the Master of the Horse, and the Lord Steward. Her Majesty would have the power of nominating to the office of Groom of the Stole, and would have a complete negative to the appointment of the other three great officers.

The galleries were cleared, and a division took place. The accounts we received were various and contradictory. The most general account, however, was, that there were in all, three divisions.

First, on the main Clause of Mr. Perceval.

For Ministers - - -	209
Against them - - -	182
Majority - -	27

Second, on an Amendment of Mr. Ponsonby to except from the Controul of the Queen the office of the Lord Steward.

For the Amendment - -	177
Against it - - - - -	204
Majority - - -	27

Third, on another Amendment of Mr. Ponsonby, to leave out the Master of the Buckhounds.

For the Amendment - -	180
Against it - - - - -	202
Majority - - -	22

We understand that several other measures were agreed to without a division.

The House adjourned at past two o'clock, and postponed the further consideration of the Bill to the following day.

HOUSE OF COMMONS.

FRIDAY, JAN. 18.

REGENCY BILL.

The House having resolved itself into a Committee on the Regency Bill,

The Chancellor of the Exchequer begged leave, before he should propose to fill up the blank in the clause for appointing a Council to assist her Majesty in the care of the King's person, to say a few words explicitly to put the Committee in possession of his view of the subject. Gentlemen who looked into the Act of 1789, would perceive that the two Archbishops of Canterbury and York, the Lord Chancellor, Lord Thurlow, and Lord Kenyon, Chief Justice of the Court of King's Bench, had been nominated by name of the Queen's Council, to whom were added the Lord Chamberlain, the Lord Steward, the Master of the Horse, and the Groom of the Stole, for the time being.—In the present instance, it was his intention to propose the two Archbishops, the Lord Chancellor, Lord Eldon, and the Lord Chief Justice, Lord Ellenborough, to be of her Majesty's Council. With respect to the Lord Chamberlain for the time being, it would be obvious that, from the arrangement made yesterday, no Lord Chamberlain could now be appointed, nor consequently be nominated of the Council. It appeared to him, therefore, necessary to substitute some other person in the room of that Officer. It had, indeed, occurred to him, that there was something defective in the former Bill, inasmuch as no member of that House had been put upon the Council: but as a vacancy now existed, in consequence of the death of the late Lord Chamberlain, he thought it would be wise in the Committee to take advantage of this vacancy, and to nominate one of its own members to the Queen's Council.—The Committee would see how desirable it was, without the slightest suspicion or imputation of blame against her Majesty in the execution of her important trust, that a member of that House should be of her Council, and have the means of making statements from time to time to the House, as to the progress of his Majesty's health, and the manner in which the Council may be proceeding. The in-

dividual whom he meant to propose was one to whose rank and station no objection could possibly be made. It was only necessary for him to name his Honour the Master of the Rolls, to induce the Committee to concur with him, that a fitter person could not be selected. The other persons whom he thought proper to be nominated were those officers designated in the former Bill, the Lord Steward, the Groom of the Stole, and the Master of the Horse. But here he must observe, that under the present circumstances he conceived it desirable to nominate these persons by their names, rather than by their offices, as they were nominated in the former Bill. The arrangement of the Household made last night was but temporary; and as the duties of the Queen, as guardian of the King's person, may continue longer than the period of this temporary arrangement, it would be necessary to provide for the continuance of her Council, after the expiration of that arrangement. It was for that purpose he meant to propose, that the Earl of Winchilsea, the Duke of Montrose, and the Earl of Aylesford, be appointed of the Council by name, and not by their offices. If these offices were to continue to be so filled during the period of her Majesty's guardianship, then the appointment might be made, as in the former Bill, by the offices; but as that was uncertain, he thought it better to provide a permanent Council for the Queen, rather than run the hazard of having the constitution of the Council disturbed in case of any change in these offices. The right hon. gentleman concluded by moving, that the blank be filled up, by inserting the names Charles Manners, Lord Archbishop of Canterbury, &c.

Mr. Adam, observing that no member of the Royal family appeared in the list of names proposed by the right hon. gentleman, wished to know, whether any communication had been made by him, upon this subject, to any of those illustrious Persons.

The Chancellor of the Exchequer replied, that he had not made any communication upon the subject to any of the members of the Royal family. He followed the precedent of the Bill of 1789: and as the answer he might have received to any such communication would not have altered the line of policy he meant to pursue, he thought it more respectful to those Royal Persons not to make any such communication.

Lord George Cavendish thought that some member of

the Royal family ought to be a member of the Queen's Council; and understanding that this was the proper time for making the motion, proposed that his royal highness the Duke of York be nominated as one of that Council.

The Chancellor of the Exchequer admitted, that if his Royal Highness were to be appointed, he was entitled to precedence. He had no objection, then, to withdraw his motion for the present, in order that the question might be first taken with respect to his Royal Highness.

Mr. Secretary Ryder also agreed, that his Royal Highness was entitled to precedence in filling up the blank, if he were to be nominated to the Committee. But he thought it most objectionable, that the Duke of York, or any member of the Royal family, should be a member of the Committee. It was certainly natural that her Majesty should desire the advice of her Sons; but to obtain that advice, it was unnecessary that they should be members of the Committee, as they would have access to the Queen at all hours. Besides, there was a constitutional objection to placing any members of the Royal family in situations of trust and responsibility, unless for very strong reasons. No man could deny that the members of the Council might be called to account for their conduct in the execution of their trust. Another objection against appointing a member of the Royal family on the Committee was, that it was desirable that the members of the Committee should give an unbiassed and impartial judgment in the discharge of their duty. From the love and affection borne by his Royal Highness to his Royal Father, which no man knew better than himself, it was impossible for him to be unbiassed.—Another ground of objection was, that they had already decided that the Prince of Wales ought not to have the custody of the King's person; and this principle, though not founded in distrust, was a good Parliamentary ground for excluding all the other members of the Royal family from any share in the guardianship of the King's person.—On all these grounds, which were the grounds of objection to a similar motion in 1789, he should oppose the amendment.

Mr. Ponsonby could not believe that any Committee had ever rejected such a motion, upon grounds such as those just stated by the right honourable gentleman. The first objection of the right honourable gentleman was, that no member of the Royal family could constitutionally be

placed in a situation of trust and responsibility; but for many years of that right honourable gentleman's life, the illustrious Person in question had held an office of trust and responsibility, yet nobody had ever heard that right honourable gentleman complain of it. Another objection of the right honourable gentleman was, that from their affection to their parent, the members of the Royal family would not be unbiassed in their judgment. If that were the case, if the affection of his children was to be the cause of their exclusion from the care of his person, his Majesty would be in a different situation from any individuals in private life, who were always consigned to the affectionate care of their nearest relatives. It was no matter that this clause was copied from the Bill of 1789: the public would think it strange that no one of the Royal family should be appointed in the Council. "But (said the right honourable gentleman) her Majesty may have their advice without their being members of the Council. She might no doubt have their advice when it could be of no avail; but not in her Council, where it must have weight! For his part, he was of opinion, that all the members of the Royal family should be included in, rather than that all should be excluded from, the Council." If they were to be all excluded, it would have the effect of shewing to the public, and to Europe, whose eyes were directed to the present proceedings, that they were excluded from a conviction that they were unfit to be trusted on such an important occasion.

Mr. Secretary Ryder rose to correct a gross misrepresentation on the part of the right honourable gentleman.—What he had said was, that they ought not gratuitously, nor upon any but strong grounds, to place a member of the Royal family in a situation of trust and responsibility. He felt himself bound here to bear testimony, as he did on a former occasion, to the merits of the illustrious Person in question, as an admirable Commander in Chief. As to the question under consideration, he should remind the right honourable gentleman, that if it was an application to the Court of Chancery, his Royal Highness would be excluded from the Council, or any share in the care of his Majesty's person.

Mr. C. W. Wynne admitted that relatives, so near as his Royal Highness to his Majesty, would not be admitted in private life to the care of the person, because they were in-

terested in the succession to the property. But to suppose that principle to apply to the Duke of York in this case, was a wild perversion of argument. The members of his Majesty's family would be most likely to pay the most affectionate attention to his comfort, and to take the speediest means for his resumption of power, on his recovery.—The objection against his royal highness the Prince of Wales having any thing to do with the care of his Majesty's person, did not apply to any other member of the Royal family.

The question was then put, and the name of the Duke of York negatived.

Mr. Sheridan then rose, and said he objected to the first four names as proposed by the right honourable gentleman: Notwithstanding all the respect which the right honourable gentleman professed for the precedent of 1789, he did not think it possible that he should venture to propose filling up the blanks as he now proposed. He congratulated the House, however, that the right honourable gentleman had discovered that some parts of that precedent were as nonsensical as his own resolutions the other night from a clerical error. The right honourable gentleman considered the Bill of 1789 as defective, inasmuch as no member of that House had been appointed of the Queen's Council: yet it was only from the mere accident of the vacancy, by the death of the late Lord Chamberlain, that the right honourable gentleman proposed to introduce a member of that House into that Council. Though no man thought more highly of the Master of the Rolls than he did, he thought it would have been much more respectful to that House to have proposed, as was proposed in 1789, to appoint the Speaker of the House of Commons of her Majesty's Council. There was a superabundance of law in the Council already, in the persons of the Lord Chancellor and Lord Chief Justice. The duties of the Council were such, as least required their assistance to perform it. The duty of the Council was to watch the state and progress of his Majesty's health, and to ascertain the precise period when he should resume his Royal functions. The right honourable gentleman, though professing high respect for the Bill of 1789, departed from it whenever it was convenient to him. He begged the right honourable gentleman to reflect what was the situation of the Queen, as provided by the Bill of 1789. In commenting upon the proceedings

of that period, it was not his intention to reflect upon Mr. Pitt: but he must observe, that these proceedings had been directed more by a consideration of persons than of principles. Mr. Pitt had said, that he had in view those who would be Counsellors of the Prince, and therefore the proceedings were directed more against *the* Prince than against *a* Prince. In the same way, without meaning any disrespect to her Majesty, he must say, that on this occasion the provisions were modified, rather with reference to *the* Queen than to *a* Queen. In 1789, the Queen might or might not assemble the Council; and yet it was only through the Council that the King's recovery was to be declared. He now came to his objection to the mode of filling up the blanks. The right honourable gentleman had last night pronounced an eloquent panegyric upon the Prince, which was received with acclamations by those near him; and even represented himself as the fittest person to be his minister from the fidelity with which he had served his father. (*No, no.*) The honourable gentleman had been greatly applauded when praising the Prince, but the acclamation was louder when he was eloquently canvassing to become his Minister.—No—he should put the sincerity of that panegyric on the Prince to a short test, by proposing to alter the manner of introducing the first four names, and to make the appointment apply to the offices and not to the persons. The nomination of these persons by name was an unwarrantable reproach and suspicion cast upon his Royal Highness. If any of these four persons should happen to die, and a successor to be appointed according to the right honourable gentleman's proposition, such successor would not be a member of her Majesty's Council. Why? Because the Prince might possibly, to obtain weight in the Council, appoint improper persons to such places; because, to attain the worst of all purposes by the worst of all means, he might abuse his power in filling those offices. Was it right that this unmerited stigma and reproach should thus, by inference, be cast upon his Royal Highness? He should, therefore, move an amendment, to leave out the name, and insert the Lord Archbishop of Canterbury.

The Chancellor of the Exchequer rose to repel the charge of the right honourable gentleman. He had always expressed a strong opinion of the propriety of adopting the precedent of 1789, but not by a servile or degrading imitation. The right honourable gentleman had admitted that

the proceedings of the former period were influenced by party and factious feelings. The right honourable gentleman might answer for those councils of which he was himself the head, "*quorum pars magna fuit,*" but could not speak with equal confidence of those to which he was no party. When the right honourable gentleman admitted that the Prince of Wales ought not to be the guardian of his Majesty's person, he would take advantage of the concession and go another step, and say that, if he ought not to be guardian, so neither should he be the person to nominate those who should have the care and custody of his Majesty's person. He must here, in justice to his Royal Highness, observe, that his whole conduct, on this occasion, had been marked with a reserve which was extremely creditable to him; but for the reasons he had already stated, he must negative the amendment.

Mr. Sheridan said, that in 1788, although the Prince of Wales had never urged a claim to the Regency, and though he had expressly disclaimed, through the Duke of York, in the House of Lords, any such idea, still the question continued to be argued as if he had presumed upon such claim. With respect to the charge of the right honourable gentleman against him, of abusing both sides of the House, it was true he had said there was intemperance on both sides; but he had brought proof against Mr. Pitt of originating it, by proceeding on that occasion as if he considered rather *the* Prince than *a* Prince. He had proceeded on the avowed principle of suspicion of the Prince's future counsellors. He had proceeded in the Bill against persons, and that hostility was not controuled by principles. The right honourable gentleman had in fact given up the whole question; for he had, by his course of proceeding, allowed a possibility of the Prince's appointing improper persons. He thought such a supposition threw a foul and most unwarrantable stigma upon his Royal Highness.

Mr. Whitbread said, the Chancellor of the Exchequer had begun by deprecating the party fury in 1788; and then had accused his right honourable friend of giving up, on this occasion, all his former associates. The Chancellor of the Exchequer had also declared the precedent of 1788 a paragon; but a right honourable gentleman (Mr. Canning) had made a shot through *the conscientiously wavering neutrals* (Mr. Bathurst, &c.) at the belligerent powers, declaring, that *all* began by praising the precedent of 1788,

and concluded by departing from it. The question now was whether the officers, as officers, should be nominated to the Queen's Council, or as men; he was distinctly for naming the officers, and he was so for this reason, that the opposite course fixed a stigma upon the Regent, by supposing that he would nominate to those high offices those only who he conceived would be his friends in the Council. There was a necessity that the Queen's Council should be disinterested; but Lord Eldon, Lord Aylesbury, and the Duke of Montrose, it followed, from the nature of their offices, could not be so. The right honourable gentleman had pretended mighty zeal for the honour of the Prince of Wales; but still there was no doubt, that when this Bill was finished, it would stand a recorded imputation upon his Royal Highness. They should hereafter be adjudged by this record and not by their langurge, and therefore he would vote for the amendment.

Mr. Adam thought the question was, whether in the choice of a Council, they would desert the security of one founded on permanent principles, to adopt one founded on a job; it was, in fact, official appointment against a job. They were secure on any vacancy in the King's Bench, or in the Church, that the most proper persons should be appointed to fill those offices; and therefore if office appointed to the council, they were sure of having the best persons members thereof; but this consideration vanished at once, recourse was had to individuality. He thought the motion threw suspicion either on the Regent himself, or on the advisers of the Regent, and therefore he should vote for the amendment. The question was one of importance to the country, and to the King himself: it was important that the King should be restored to the throne when he should be in perfect health, and not till then.

Mr. George Johnstone was for the nomination of Lord Eldon rather than the Lord Chancellor, because the Chancellor was an officer of the Regent. He was inclined to vote for the nomination of the others who had been mentioned by their offices. He deprecated all party violence.

Mr. Adam had an invincible objection to the motion, because it went against the principle of a permanent council; a principle which, in his mind, ought not to be lost sight of. The motion went to suspect the Prince of Wales of being a party to the foulest of all jobs, or of being advised by bad counsellors. The motion went to fix an obloquy on

the Regent; the amendment proceeded on constitutional principles: he therefore should vote for the latter, and he hoped the Committee would be inclined to coincide with him.

Mr. Marryatt was for the motion. It had been agreed on all hands, that the Prince ought not to have the guardianship of his Majesty: if so, it would be equally improper to give him the contingency of that guardianship.

Sir S. Romilly said, that the hon. gentleman who spoke last seemed to think that the Prince of Wales would overlook all the duties of the office, and merely look at the Regency. The Chancellor of the Exchequer seemed to have, according to his own assertion, a high opinion of precedent—it was extraordinary, however, that he adopted a precedent which was merely inchoate, and passed by those which were complete: he adopted that of 1788, and passed by those of the 24th of George II, and the 5th of George III—which were directly opposite—which looked at official and not at individual characters. Then the Council of Regency had the power of even nominating to those high offices, the holders of which were component part of that Council: they thus engrossed in their own hands the entire sovereign authority. If gentlemen opposite were determined to adhere to the precedent, let them do it by an adoption of its spirit, and not by a base and servile imitation. It was the interest of every man in that House, whatever might be his party, to support the character of the Prince of Wales; that no disaffected person hereafter might asperse him, and cite the example of the Legislature. (*Hear! hear!*) Let them not give any colour for an assertion, that they thought the Prince of Wales capable of choosing a Lord High Chancellor, not for his wisdom, his integrity, or his learning, but for his subserviency. Let them not allow it to go forth, that, in their opinion, the venerable officers of the Church were to be selected, not for their acquirements, or their piety, but for their capability of prostituting their sacred functions to the vilest and most despicable purposes. (*Hear! hear!*)

The Attorney-General had heard it frequently stated by gentlemen on the opposite side of the House, that an attempt had been made to insult and depreciate the character of his royal highness the Prince of Wales. He disclaimed all such ideas. The learned gentleman opposite had accused them of confining themselves to literal precedent, and

abandoning the principle and the spirit. Now, what was in this instance the principle of the Chancellor of the Exchequer? It had been admitted that the Regent ought not to have the guardianship of the King's person; and that idea had merely been followed up by saying, that he should not have the appointment of that Council to whom such guardianship was entrusted.

After some farther discussion, the question was put on the amendment, that the words "Charles Manners, &c." be omitted, and that the words, "Archbishop of Canterbury for the time being" be inserted, when it was carried, without a division, that the words proposed by Mr. Perceval should stand part of the Bill.

Similar questions were also put on the names of the other members of the Council, which were all negatived without a division; and the names of the members of the Council stand therefore as follows:

Charles Manners, Archbishop of Canterbury; Edward Archbishop of York; James Duke of Montrose, Master of the Horse; George Earl of Winchilsea, Master of the Household; Heneage Earl of Aylesford, Lord Steward; John, Lord Eldon, Lord Chancellor; Edward, Lord Ellenborough, Chief Justice of the King's Bench; the Right Hon. Sir William Grant, Master of the Rolls.

Mr. Sheridan then noticed, what struck him as a very great defect in the Regency Bill of 1789, namely, that the Council had no power of meeting but once in three months, except when summoned by the authority of her Majesty. This defect was partially remedied by a provision in the present Bill; but not so completely as it ought to be, for it appeared to him most important, that the Council should at all times have a power of meeting whenever they pleased.

The Chancellor of the Exchequer agreed with the right hon. gentleman, that the Council should certainly have that power; and that, besides their regular periodical times of meeting, they should assemble when they saw it convenient, without being summoned by any one. He thought, however, that this power was sufficiently given by one of the latter clauses of Bill.

Mr. Sheridan then noticed, that by the Bill a great and important trust was committed to her Majesty, namely, that of the care of his Majesty's person and the regulation of his household; and yet there was no oath of

office appointed for her to take, as was done in the case of the Regent. In the appointment also of the officers of the household, the appointment was not to be signed by "C. R. for G. R." similar to what was done in the case of the Regent, but simply by the Queen.

The Chancellor of the Exchequer conceived there was a material difference between the two offices. The office of Regent was held in trust for another, and therefore all the acts of the Regent should proceed in the name of the King; but here Parliament was appointing a Council that had no previous constitutional existence, and that must cease to exist as soon as the King resumed his authority.

On that part of the clause which said, "in case they, the members of the Council, shall decline to act, &c." being read, Sir S. Romilly thought, that as the trust was connected with the offices which they held, it should be imperative on them to continue members of the Council, as long as they held the specified offices.

The Chancellor of the Exchequer conceived, that it would rather be an act of harshness to oblige them imperatively to fill the office. They would all of them have an opportunity of considering the provisions of the present Bill; and it was possible, that from a dislike to these provisions, some of them might feel a repugnance to fill the office assigned to them. It did seem proper, then, that they should have the power of declining it; and in that case, there must be a power of appointing anew.

Some conversation of no great interest then took place, on the mode of signature to be used by the Regent. We understood Mr. Adam to say, that, considering the multiplicity of papers to be signed by the Regent, it would contribute to his personal convenience if that signature were shortened, and instead of "G. P. R. for G. R." it were merely to be "G. P. R." the words "in the name and on behalf of the King" being previously inserted immediately above the signature.

The Chancellor of the Exchequer had every wish to contribute to the personal accommodation of his Royal Highness; but it was desirable to preserve as much as possible of the customary forms, lest inconvenient doubts might arise in the breasts of some people, as had taken place with Mr. Larpent, with regard to the validity of the signature.

Mr. Whitbread thought that whatever an act of Parliament said on the subject must surely be effectual to the mind of every man.

As we understood, the suggestion of Mr. Adam was reserved for future consideration.

On the clause with regard to filling up vacant offices in the Household, Mr. Sheridan suggested, that as the Bill now stood, there was no duty imposed on the Queen to nominate to these offices, in case of a vacancy. She was not bound to nominate, on the individual's decline to serve, or on death. He wished now to give notice, that on the bringing up of the report, he should propose a clause to remedy the defect which he had now stated.

The clause providing the mode in which the resumption of the Royal authority by the King, in the event of his recovery, was to take place, came next under consideration.

Lord Milton said, that the Committee were now come to a part of the Bill which appeared to him extremely objectionable. The subject was a painful one; but he felt himself bound to say, that the resumption of the Government by his Majesty ought to take place in some mode more solemn and more satisfactory to the public, than that which was provided by the machinery of the Bill. He thought that as the existence of his Majesty's malady was substantiated by Parliament, in like manner ought the fact of his recovery. Notwithstanding the confidence which he was willing to repose in the Queen and the Council, yet in a question so deeply interesting to the tranquillity of the country, it did appear to him, that the Bill lodged powers in their hands which ought to be confided to Parliament alone. By the machinery of the Bill, his Majesty could not resume his power till the fact of his recovery was notified by this Council; and then his Majesty was to summon such a set of his Privy Council as he chose, for the purpose of a public declaration of the resumption. But he must object to this Council holding such an authority in their hands; and it should also be declared imperative, that all Privy Counsellors without distinction should be summoned on such an occasion. The best way of declaring the King's recovery would be by the great constitutional authorities of the country; he meant the two Houses of Parliament. He acknowledged there were great difficulties in the mode which he now proposed (*Hear, hear, from Mr. Perceval*); but

the subject was surrounded by difficulties on all sides. It might be said, that debates and delay would be created: but still it would be much more dignified, much more satisfactory to the public, and even to the King, to be restored to his Throne by the voice of his people, as delivered by their representatives in Parliament, than by the sort of machinery that was provided for the Bill.

Mr. Fuller said, the noble Lord had talked a great deal of the machinery of the Bill: now what would he wish to have done? The Bill had formerly gone through all its stages, and been warmly debated, when it was brought in by one of the wisest men that ever existed, and he wished the House to keep the present Bill regulated by his great understanding. The members of the Council were on oath, but the members of Parliament were not. We were to be governed by philosophical principles (*A laugh*). Gentlemen might laugh, but he would maintain that the whole of the Bill was founded on these principles. The proceedings of Chancery were founded on these philosophical principles. The heir-apparent, let him be of a private family, or heir to the Crown, was not to have the care of the Person, but others entirely independent.

The Chancellor of the Exchequer gave the noble Lord great credit for the constitutional tendency of his argument argument. The noble Lord seemed to think that as the circumstance of the cessation of the King's authority was first established by Parliamentary inquiry, the termination of the Regency should not close but by an investigation of a similar kind. The noble Lord would, however, recollect that the present measure went to divest his Majesty of all his authority in the government of the country, and therefore could not in the first instance be undertaken without a Parliamentary inquiry. But after his Majesty's restoration, the thing became quite different. No means could in the first instance be given to his Majesty, by which he could personally give notice of his intention or desire to resume the the functions of the Royal authority. The Queen and Council would be ready enough to call the Council, but there must be some regenerating power given to his Majesty to enable him to resume the Royal authority. This was sufficiently provided for by the several provisions contained in the clause for assembling the Parliament on that occasion. He should therefore hope these considerations

would be sufficient to induce the noble Lord to wave his objections.

Mr. Fuller, after declaring his great respect for the noble Lord opposite (Milton), again adverted to the word "machinery," and said he wanted no machinery; that he understood the House to be appointing a Regent, and not a King; and that the restrictions were perfectly conformable to 1688 (*A laugh*). That was the great precedent to which they ought to adhere, instead of stringing up precedents like so many red-herrings hanging against a wall (*A loud laugh*). They talked of abdication; but King James did not abdicate—he demanded his Crown within two years. But the two Houses appointed another King, imposing what restrictions they thought proper; and if the present Houses of Parliament should abandon their duty, they would be the Houses which sat in 1688 (*A laugh*). He supported no machinery, but only what was for the good of the country.

Mr. Morris admitted that the amendment proposed by the Chancellor of the Exchequer, obviated a part of the noble Lord's (Milton) objection; but Parliament ought to ascertain the state of his Majesty's health before the resumption of his authority. It would be a delicate and embarrassing subject to discuss afterwards. He allowed that it was proper that her Majesty and her Council should watch the first dawning of opening reason, and originate the proceeding for resumption; but it would be much more satisfactory to the public, that Parliament should declare his Majesty's competency. It was of the utmost consequence, that no doubt whatever should be left in the mind of any one on this point; and he really thought it would be more grateful to his Majesty's feelings to have the business managed by Parliament, than to submit himself to the inspection of the Privy Council. This was his opinion, but he would not propose an amendment, for two reasons—1st, Because, he believed, the general sense of the House was against him. And 2d, Because it would be more mischievous that such an amendment should be rejected, than that it should not be brought forward at all.

Mr. Sheridan was willing that the inquiry into the recovery of his Majesty's health should originate with the Queen; but he objected to this, that a person situated as his Majesty is should come forward and say, I am recovered, and at the same time nominate the persons who were to

decide upon the fact of that recovery. When the Queen and four of her Council have declared his Majesty's recovery, one would think that it would be in the power of the Privy Council to examine into the reality of this recovery, and to take the evidence of those persons who were competent to inform them upon the subject. No such thing—they were merely to register the declaration of her Majesty and Council. His Majesty is to be present at the second Council, to consist of no less than nine, but not more than nine, and not a general Privy Council, but an assembly of nine Privy Counsellors nominated by his Majesty, of whom six were declared sufficient to give effect to the proclamation. He put it to the right honourable gentleman to say, whether that would be a complete testimony to the public at large, of his Majesty's recovery.

The Chancellor of the Exchequer paid some compliments to the candour of the right honourable gentleman (Mr. Sheridan). That right honourable gentleman had stated, that when her Majesty and four of her Council are agreed as to his Majesty's recovery, that the Privy Council have nothing more to do than to register their declaration, and that their office was merely to be ministerial. Undoubtedly it was so. It required nothing more than the registration of the declaration. Still all this may be done, and not a single step taken for the resumption—an interval may take place, if his Majesty think proper, between this registration and the period when he shall think fit to resume his power. The right honourable gentleman wishes a Council, or one not under the nomination of his Majesty. What were they providing for? Was it not to facilitate to his Majesty his resumption of the Throne? The King is entitled to come forward at once, and resume the exercise of his authority; and by this measure he merely announces to the public the circumstance of his capacity. They merely wanted some known responsible body to certify to the nation beforehand this particular, as the King can do no wrong. It will be said that by this machinery, as it has been called, they were really throwing impediments in the King's way, as he was entitled to come forward himself, and assert his recovery. They wanted, however, some sanction, though a sanction as little embarrassing as possible, for the satisfaction of the nation. Every provision upon this subject must be attended with difficulty; it is a disagreeable circumstance, indeed, that the King should find any obstacle to the resumption of

his power; but under all the circumstances of the case, this sanction was deemed necessary.

Mr. Sheridan said, the right honourable gentleman misunderstood him as to the point. What he meant to contend was this—the Queen and Council were first to certify, and then the King was to determine. The Council were to be called on to be the judges whether the recovery was efficient; and as they were to determine on the calling of Parliament, they ought not to be nominated by the King.

The clause was then agreed to.

Mr. Morris, when the clause for summoning the Privy Council was read, objected that it was different in this Bill from that of 1789; for in the latter it was expressly declared, that the Members of the Privy Council so to be summoned should not be of the Queen's Council; whereas in the present Bill these words were left out. He should, therefore, propose that the following words be added to the clause by way of amendment, viz.—"*that the Members of the Privy Council so to be summoned should not be of the Queen's Council.*"

The Chancellor of the Exchequer agreed to the amendment, and the words were inserted accordingly.

The Chancellor of the Exchequer said, that as the proclamation of the King's recovery would be a notice to all the world, he thought a particular notification to the Lord Mayor, as it now stood in the Bill, would be useless; and he moved to have it omitted, which was agreed to.

On the subject of the oaths,

The Chancellor of the Exchequer said, there would only be required of the Regent the oath of allegiance, with that contained in the Bill; and he had a clause in his hand, which he should move to be added, that in lieu of the oath of supremacy, it should be sufficient for the Regent to produce a certificate that he had twice taken the Holy Sacrament in any of the Royal Chapels.

This clause was agreed to, and added to the Bill.

The Chancellor of the Exchequer said, he had only one more clause to propose, which was relative to the Droits of Admiralty: the clause was to empower the Regent to give relief and take all such steps respecting them as the King had usually done.

This clause was brought up, agreed to, and added to the Bill.

The Report was then brought up, and ordered to be taken into farther consideration on Monday.—Adjourned to Monday.

HOUSE OF LORDS.

MONDAY, JANUARY 21.

The House met about four o'clock, and after making some Orders respecting Appeals, adjourned, on the motion of the Earl of Liverpool, till Wednesday.

HOUSE OF COMMONS.

MONDAY, JANUARY 21.

The Sixth Report of the Carnatic debts Commissioners was presented, laid on the table, and ordered to be printed.

PUBLIC EXPENDITURE.

Mr. Bankes rose, pursuant to notice, to move the re-appointment of the Committees on Public Expenditure, and on Sinecure Offices and Pensions. He was happy to find, that there was to be no objection to the thing itself, or to the names of those who were to compose the Committees, whose labours would, in all probability, be attended with so much advantage to the public. He intended to propose a substitute for a gentleman who had been in the former Committee on Public Expenditure, (Mr. Peele probably,) who had now accepted an official situation, and could not, therefore, regularly attend. Besides the Committee had been appointed on the principle, whether right or wrong, that no placeman should be a member. The appointment of the Committees was agreed to; and the following are the members:

COMMITTEE ON PUBLIC EXPENDITURE.

Mr. Bankes,	Sir Thomas Baring,
Mr. H. Thornton,	Mr. Milnes,
Mr. Biddulph,	Mr. Ellis,
Mr. Sturges Bourne,	Mr. Babington,
Mr. Brogden,	Sir George Warrender,
Mr. Nicholson Calvert,	Mr. Nicholas Vansittart,
Mr. Cavendish,	

ON SINECURE OFFICES, &c.

Mr. Bankes,	Mr. D. Giddy,
Hon. Mr. Ward,	Mr. Canning,
Mr. Long,	Mr. Bathurst,
Mr. Ellis,	Mr. Wilberforce,
Lord Porchester,	Mr. H. Martin.
Mr. Tierney,	

The Order for the Call of the House was, on the motion of Mr. Perceval, discharged.

REGENCY BILL.

Mr. Perceval then moved the further consideration of the report of the Regency Bill—and on the question, that the amendments be read a second time,

Sir Francis Burdett rose, and observed, that he felt such strong objections to the whole of this measure that he should not do his duty to his constituents, to the country, and even to the Crown itself, if he did not oppose the further consideration of this report, which, in his opinion, ought to be thrown out altogether. He objected to the whole of the measure—but to nothing more than to that part of it which went to divide the influence of the Crown from the Executive government. If that influence ought to exist at all, it certainly should go with the Executive functions, instead of being retained as an instrument to embarrass and controul the operations of the Regent's administration. He objected to the measure also on account of being of a temporary, when it ought to have been of a permanent nature—a circumstance which had been defended upon this one argument, that the Crown was private property, instead of being intended for the advantage of the country—so that the paramount interests of the public were neglected. When the King had been so often placed in his present melancholy situation, though once had been sufficient, it was the duty of men calling themselves, whether truly or falsely, the representatives of the people, to take care that the public interests should not be compromised. If the interests of sixteen millions of men should be neglected—if the safety of a whole country should be endangered out of a supposed regard to an individual, what must be the fate of the nation?—Four times, let it be recollected, the King had been affected in the same manner, and twice had the Ministers of the Crown carried

on the government on such occasions—for which they ought to be impeached. Nothing, he thought, could be more destructive to the internal happiness, tranquillity, and prosperity of the country, than such proceedings—nothing more calculated to increase in an alarming degree the dangers to which these kingdoms were exposed, from the machinations of the most powerful enemy with whom they ever had to contend. (*Hear, hear!*) He was almost amazed to think that in these times the Prince of Wales would venture to accept of the Regency on such terms—and that he should consent to place himself in a situation where he could not answer the expectations of the public, nor avoid the responsibility of acting with a weak government, under the most difficult circumstances. If this must be a temporary measure, then the government ought to be stronger than usual—not weaker—for permanency was a quality which itself gave strength; or if a government could be carried on with diminished means in the hands of a Regent, *a fortiori*, it might be so conducted in the hands of a King. (*Hear, hear!*) They appeared to have only one danger in contemplation—the possibility of the existence of any difficulty in the way of resumption by the King, in case of a lucid interval. To facilitate his return to power, seemed to be their only object. But he maintained, that the dangers on the other side ought to have been a subject of much more serious consideration. There could be no doubt of the facility with which the King might resume his authority: but the government to be committed to the Regent was one which could not be carried on with satisfaction to those by whom it must be administered, nor with advantage to the public at large. It was shewing a bad example to the people of this country, and a most mischievous one to foreign nations, to make these experiments to ascertain with what *minimum* of understanding the government might be conducted—and thus in the minds of all rational men they were undermining the foundations of that Throne, which it was their professed object to support. (*Hear, hear, hear!*) He repeated, that to have a person at the head of affairs, who had long been incapable of signing his name to a document, without some one to guide his hand; a person long incapable of receiving petitions, of even holding a levee, or discharging the most ordinary functions of his office, and now afflicted with this mental malady—was a most mischievous example to the people of this country, while it had a tendency to expose the government to the contempt of

foreign Powers. He protested against the whole of this measure, but particularly against this assumption of the authority of a whole nation, and dealing out the powers of the Crown in portions to such as had nothing to do with the Executive functions. He had stated his opinion that this ought to be a permanent and not a temporary measure; but as few would agree with him in this, he did not think it necessary at present to divide the House on that point. As to the minor parts of this proceeding, he objected strongly to the separation of the Household from the Government. He did not say that this influence ought to exist at all—but if it did, he was sure it ought to go with the Executive Authority. A Government divided against itself could not stand, while different factions were exercising their several portions of the influence of the Crown, and thus neutralizing the whole. It was difficult to conceive how the Regent could, under such circumstances, carry on his government at all.—This was a most pernicious experiment, and of all times for making it, the worst has been chosen. It had been said; that the House ought to legislate for times to come, and not to take the characters of individuals, nor the peculiar circumstances under which they acted, into account—that they ought to legislate on general principles, and to form a precedent which would be a guide to future ages. This, he understood, had been given up on all hands. It had been admitted, that it might not be improper to take the peculiar circumstances and state of the present times into consideration—and he must say, that these were not times for trying such experiments, for producing weakness in the government, and increasing the powers and virulence of faction. As to precedents, many had been cited on both sides, and probably many might be found to support the views of each party; but the truth was, that there was no precedent at all analogous to the present case except that of 1788-9. With regard to that famous precedent, no person who had read its history, no person who knew any thing of the proceedings of that period, could doubt that it was far from being the result of the united wisdom of conscientious members of Parliament, anxious to discharge their duty to their country. This was evident from the manner in which it had been treated by a right honourable gentleman (perhaps alluding to Mr. Sheridan), himself an actor in these scenes —and how then could it be taken as a rule for the direction of future proceedings? Then they came to the true parlia-

mentary ground of reason and common sense. Either the whole influence of the Crown was necessary to the due administration of the government, or it was not. If all was not required, that portion which was unnecessary, ought to be done away entirely—if all was necessary, then the whole ought to go with the Executive functions, however temporary, and wherever placed. The right honourable gentlemen on the other side, perhaps, wished to create a delusion on this subject, as Mr. Pitt had done, who took advantage of a claim denied by the Prince, though urged in his behalf, to hold himself up as the champion of popular rights.—But these gentlemen opposite had not the talents to carry on such a delusion—and the people appeared to look on with apathy, whether arising from despair of obtaining any relief, he presumed not to determine. But that this was a cheat and a delusion, was perfectly clear. It deceived nobody, except, perhaps, the contrivers themselves. When it was known to all that the Great Seal had been employed in the King's name—when nobody was ignorant of the utter incapacity of his Majesty to give his assent to any act—when it was found that a cushion could do the business of a King, the gentlemen themselves could hardly expect to gain any thing except delay. A delay of three months had been already attained, with a view, no doubt, by this measure, to serve the right honourable gentleman's administration; for he must be aware that, as he had got a Parliament to answer his purpose, the Regency might get one to undo his restrictions, and all that he had effected with his present majority. The whole measure was futile, and calculated solely for delay; but, however this might suit his purposes, it was most mischievous to the country. He protested, therefore, against the whole measure, and objected to its being laid on the table; but he knew the strength of the right honourable gentleman's majority, and, having no hope of success, he would not at present trouble the House with calling for a division.

Mr. Lockhart said that he should ascribe the peaceable demeanour of the people, not to their despair of relief, but to their acquiescence in the measures of the House for the advantage of the public, and the care of the Royal Person. The honourable Baronet had said that this measure had proceeded on the principle that the Crown was private property, to the exclusion of any regard for the benefit of the community: but he contended that nothing could be an object of greater

public importance than to secure the facility of resumption on the part of the King. When the honourable Baronet objected to a division of the influence of the Crown, he ought to have recollected that they had only a choice of difficulties. It certainly was highly desirable that no part of the influence of the Crown should be separated from the Executive government; but then it was absolutely necessary to facilitate the restoration of the Royal power to the Sovereign. How could his return be facilitated, except by retaining a portion of the regal influence about his person? He had no army about his person to reinstate him. The Regent's government would not be weakened by this measure; for nothing could have a greater tendency to weaken his government than a neglect of the King, while nothing would contribute to its strength more than a proper regard for the King, which could duly be proved to the people by the splendour and authority of his household. As to the objection, that this was not a permanent measure, the honourable Baronet appeared to have forgotten that the whole had been conducted upon the principle of making provision only for the exigency of the moment. Some permanent measure would no doubt be adopted, if the necessity of the case should call for it. The honourable Baronet had talked of an experiment to try with what *minimum* of understanding the government could be conducted. Was that the character of the present measure? The Queen and her Council were not to notify his Majesty's recovery, merely because he might have a lucid interval, but to declare when he was completely restored—and it was most unjust to the House to say that they had been regardless of the public interests. The honourable Baronet had said that his right honourable friend only wanted to preserve his own power. If his right honourable friend had been so very anxious to gratify his own ambition, he might have done so to a greater extent; but then he would not have stood so high in the opinion of that House as he now did. His right honourable friend had been accused of treading in the steps of a great man now no more; but, in the words of Mr. Burke, he would, under every difficulty, consider that accusation as his highest consolation.

Sir Thomas Turton protested against the delay, which was not that of the right honourable gentleman alone, but of the House also. He objected to the Bill likewise, as containing the same language of suspicion and insult against his

Royal Highness, as the Bill of 1789. The Bill was besides insulting to the King himself. He objected to the Bill, as being contrary to the Resolutions. After the manly and dignified answer of the Prince, on the subject of these Resolutions, was it using him fairly to go up to him with this Bill? Upon no principles of equity could they offer to the Prince a Bill directly in the teeth of the Resolutions; and yet, the gentleman opposite must be aware, he supposed, of the dilemma to which they would be reduced, and the situation in which the country would be placed, if the Prince should think himself bound to refuse the Regency.

It was then agreed, without a division, that the Amendments should be read a second time.

It was then settled, that the Amendments made in the Committee, should first be gone through, and that the Report being agreed to, such amendments as gentlemen might propose to introduce into the body of the Bill should then be proposed.

Mr. Ponsonby, in place of the words in the first blank in the restriction clause, which was filled up with the words "1st February, 1812," proposed that the words, "six months from the date of the passing of the Act," be substituted.

This Amendment was negatived without a division.

On the clause with respect to the disposal of the Household,

Mr. Ponsonby again rose: he wished particularly to call the attention of the House to the nature of the provision of that clause in the Bill which regarded his Majesty's Household, and also to several amendments which he meant to propose on that subject. If the clause passed in its present form, the consequence would be, that the entire Household, except two trifling offices, would be submitted to the control and patronage of her Majesty; and this was to be done, notwithstanding the express contradictory tenour of the Resolutions which had been passed by the two Houses, and which, it was generally understood, were to have been made the foundation of the present Bill. These Resolutions, thus lightly disposed of, had been adopted, after solemn deliberation, by a Committee appointed to take into its consideration the state of the nation. They gave to the Queen the disposal of so much and such part of the Household as should be considered sufficient for the care of his Majesty's person, and for the support of such state as should be

deemed adequate to his present situation; the rest was to be placed in the hands of the Regent. It was pretty clear, then, that in whatever the present clause exceeded that arrangement, in so much did it contradict the express stipulation and understood faith of the former Resolution. When the Committee on the State of the Nation were considering this subject, he took the liberty of proposing certain amendments, which were opposed by several gentlemen, and particularly by one (Mr. Huskisson) whose official habits, acuteness of discrimination, extensive knowledge, and general perspicuity, entitled him, whenever he considered a subject, to the greatest possible attention. As to that gentleman, the late Secretary to the Treasury, he was inclined to pay every deference: he had endeavoured so to frame his present amendments as, he hoped, to obviate his objections. The first of these objections went, as well as he could recollect, to state the incompatibility of his (Mr. Ponsonby's) proposed arrangement as to the Groom of the Stole with the established regulations of the Civil List. On looking over the Acts of Parliament on this subject, and particularly Mr. Burke's Bill, to which he had paid the greatest attention, he saw that the great officers of the Household accounted for their expenditure to the Exchequer. The second objection of the honourable gentleman went to the insufficient specification which he had made of the officers to be placed under the patronage of the Queen. He had endeavoured, in his amendments, to meet both these objections; he had taken care that there should be no doubt with respect to the specification of the Household, and no change made in the present system of accounts or expenditure. He proposed also to leave out of the clause every thing which went to prohibit the Regent from appointing a Lord Chamberlain, and which went to allow the present Vice-Chamberlain to act without the controul of the Prince. It had been said, that the Prince had a Chamberlain of his own. What did the Prince's Chamberlain mean? The Lord Chamberlain was, indeed, one of the oldest officers in England, long known to the acts and statutes of the Constitution; but what the Regent's Chamberlain meant, or where mention of him was to be found, he confessed he was yet to learn. To the office of the Lord Chamberlain were, however, attached many of those powers which belonged to the government. He had only to instance the right of licensing dramatic exhibitions. If this Bill passed in its present proposed form, rendering the

Vice-Chamberlain independent of the Prince, that Vice-Chamberlain might, if he chose, permit the representation of those scenic spectacles which reflected upon and tended to bring into discredit the government of the Regent. He was sure that, looking back upon the past history of England, no man in that House could be ignorant of what a political effect such exhibitions were capable. He proposed, then, in the first place, the total omission of the clause respecting the office of Chamberlain. He meant to propose an amendment to be introduced in the 11th line of the printed folio, at that part which gave to the Queen the disposal of all the Household with the exception of two offices of very little consideration. After the word "mention," he would propose the insertion of these words: "as should be necessary to the care of his Majesty's person, to be vested in the Queen." He then should go on to specify such offices as he thought necessary to be placed at the disposal of her Majesty; namely, the Groom of the Stole, the Master of the Robes, the Keeper of the Privy Purse, such six Lords of the Bedchamber, and such six Grooms of the Bedchamber, as her Majesty might think fit to specify in a paper, sealed and signed by herself, to be presented to the Regent. He should also give to the disposal of her Majesty, the King's Equerries, and such subordinate officers in that department as the Queen might select. He should also place under her direction the Lord Keeper and the Master of the Horse, to be specified in like manner to the Regent, all to be under her Majesty's direction during the illness of the King. By this arrangement he did not disturb the present regulations of the Civil List as to the expenditure, but let the payments go on in the usual manner as if the present Act was not at all in existence. He hoped he had by these amendments avoided the objections of the honourable gentleman with respect to the specification and the expenditure. His second amendment would go to give to her Majesty the nomination and appointment of all officers placed by this Act under her direction. His third amendment should give to the officers under the Queen's direction all their original privileges and precedence, and should take from her Majesty the power of dismissing any of those officers who had been appointed by the King. Here he should propose to stop, and leave to the Regent the remainder of the Household entire and uncurtailed. There would then remain no doubt as to that part of the Household which was under the direction of

the Queen, and that which was under the direction of the Regent. It was not necessary for him to specify the menial servants in the different branches which should belong to her Majesty, as that could be done by herself in the signed and sealed declaratory paper to be by her presented to the Regent. Some gentlemen were of opinion that it would have been better to omit all the detail in the present Bill which should be in their opinion of a mere general nature, and that the minutiæ might be specified in some subsequent measure. To this, however, he had two objections. The first was, that it was disagreeable to legislate in this business save where there was an absolute necessity; and next, that if they waited till the Regent was nominated, to specify what part of the Household should belong to the Queen, undue influence might then be exerted by his government to deprive her of her just proportion. For these reasons, he thought it would be much more politic to make the present Bill final and complete. It was not easy for him to contemplate what objections might be made to his propositions. Perhaps it might be said, that a sufficiency of officers was not left to the King for the support of his state. Certainly in his opinion sufficient were left to support a state adequate to his present situation, for surely no man would say that a king in sickness required equal splendour with a king in health; still less did he require officers of amusement, which it required full vigour to relish. Of what use, then, was it for the Chancellor of the Exchequer to give the Queen the direction of his Majesty's hounds? (*Hear! hear!*) Surely hunting was an amusement of which he could not possibly partake. He should not further trespass on the attention of the House, as this subject had already been so amply discussed; but he begged of them to pause before they came to a decision—he besought of them to ponder well on the serious responsibility which they were about to incur, by creating, in the present arduous times, a government so curtailed and crippled, as to render it impossible for any man adequately to execute the trust of administration. (*Hear! hear!*) If the House thought they should be justified in so doing, let them do it; but he would venture to say, they would be the only people in the country who could feel the justification.

Mr. Huskisson rose for the purpose of observing, in allusion to what had fallen from the right hon. gentleman (Mr. Ponsonby), that it certainly had struck his mind, when

the present amendment was first proposed in the Committee, that if adopted it would tend to involve the accounts of the Civil List in great and inextricable confusion. This was the main objection to it that impressed his mind. Now, while he was up, he should very shortly state the general view which he entertained of the objects of the Bill. The first object, in his view, was to make provision for the care of the Royal person, and for maintaining about him that degree of state and dignity which were suitable to his present situation. The second object was to devolve upon the Regent as much of the Executive power as was possible, in order to render the government strong and efficient for public purposes. The third and last object, in his mind, was to make adequate provision for the resumption of the Royal Authority on the restoration of his Majesty's health, and prevent any embarrassment to a future Executive Government. The amendment proposed by the right hon. gent. (Mr. Ponsonby) did seem best calculated to attain the second of these objects; for the clause as it now stood, appeared to strip the Regent's government of a much greater portion of power than was proper, or consistent with an efficient administration. The Bill, as it now stood, left some offices under the controul of her Majesty, which did not seem at all necessary to the due care and attendance on his Majesty's person. Neither did the Bill come up to the spirit of the Resolutions which had received the sanction of the two Houses. (*Hear!*) There were some gentlemen who thought the influence of the Crown greater than it ought to be; yet it was not likely that ever they would think that the best mode of diminishing that influence was to divide it. (*Hear! hear!*) They would rather say, that if one part of that influence was set against another, the consequence would be that the Regent would seek some counterpoise to counteract the effects of the division, and be forced to exercise some new species of influence different from that which legitimately belonged to the Executive. He was one, who thought that the influence of the Crown was not more than sufficient to carry on the affairs of the government, even in ordinary times; and he must, therefore, look with jealousy at any attempt to curtail the powers of the Regent, particularly under the difficult circumstances in which the country was placed. Still, however, he had the objection he had stated to the amendment of the right hon. gentleman, and should have greatly preferred the suggestion of his right hon. friend (Mr. Canning) on a

former night. The amendment, as now worded, had not removed his objections to throwing upon her Majesty the invidious task of selecting six out of the twelve Lords of the Bedchamber, to be in attendance upon his Majesty. By what rule was she to judge which of them would be most acceptable to his Majesty? The task was altogether an ungracious one, and such as ought not to be imposed upon the Queen: though, upon the whole, he was rather inclined to prefer the amendment, yet he must object to it as at present worded, from its tending to involve the Civil List payments in inextricable confusion.

Mr. Rose wished to correct what had fallen from the right hon. gentleman opposite, with regard to the licenser of plays; that was a separate officer from the Lord Chamberlain: and the present licenser was Mr. Larpent, a gentleman of the most honourable mind, and who had lately distinguished himself by his conscientious conduct.

Mr. Brand entirely agreed with the honourable gentleman on the floor (Huskisson), that what had now been done by that House, was in direct violation of the Resolutions agreed to by the two Houses of Parliament, or, as he was almost tempted to call them, the two Houses of Convention. Whatever might be his doubt to which of these titles the two Houses were entitled previous to the opening of Parliament, of this at least he entertained no doubt, that whatever was now done by Parliament, must rest upon, and be consistent and agreeable to those Resolutions. Here, however, the clause in question was directly contrary to those Resolutions, and might be productive of the most dangerous consequences. Who could say what effect such an inconsistent proceeding might have on the country? What effect might it not have on the other House of Parliament, who were thus indirectly insulted? And above all, what effect might it not have on the Royal Person who had, in consequence of the Resolutions of the two Houses, been addressed to take on himself the administration of public affairs, on the terms there pointed out to him? They had requested of him to take on himself the management of public affairs, under certain restrictions. On those conditions he had agreed to undertake the Regency, and, having done so, that House had chosen, in direct contradiction to those Resolutions, to impose additional shackles and trammels on his Royal Highness. Having done so, and should this clause be agreed to by the other House, he

conceived that it must once more become the duty of the two Houses to address the Prince, and to ask him if it be his pleasure to accept of the Regency under the additional impediments thrown in the way of his administration of the affairs of the nation.—In the sincerity of his heart, he (Mr. Brand) must say, that he esteemed the present conduct of that House a fraud on the Regent. He would ask any man, if it was becoming that the only appointments in the Household placed at the disposal of the Regent, should be the Captain of the Yeoman of the Guard, and of the Band of Gentlemen Pensioners?—There might hereafter be a Household appointed for the Regent—but was not this now to create a counterpoise of his authority? and was it not a question whether this very influence, of which he was now deprived, might not afterwards be exerted against him, and an effect be thereby produced contrary to what the right honourable gentleman (Perceval) might wish? Such might be the effect of withdrawing from the Regent the influence now proposed to be placed in the hands of the Queen, that it might even prevent him from exercising the affairs of the government with force and efficiency. If the House chose to act so, and thus to weaken the hands of the Executive, he (Mr. Brand) was satisfied that they were the only persons in the nation who felt in that manner—who were insensible to the mischief they were likely to create—and to the effect which must naturally result from their present proceeding.—He had now done his duty in declaring, it as his conviction, that in agreeing to the clause as it stood, the House was acting contrary to the Constitution, and in breach of the conditions under which they had tendered to the Prince the Regency.

Mr. Dundas could not conceive any thing so absurd, as to contend that the Prince would be without the means of carrying on the government, even should he be deprived of the Household altogether. What, however, was the extent of the influence of which the Regent was to be deprived, and what was the nature of it? Was it to be found in the House of Peers? Or was it such as could be of advantage to any person desirous of turning it against the Regent—being an influence which, at the most, could only exist for twelve months? Was this such an influence as the Queen could avail herself of to the prejudice of the the Regent, she not having the power of removing a single one of the present members of the Household? He agreed

that it would be a most invidious task to impose on her Majesty, were she, as was proposed by the right hon. gentleman (Ponsonby), to be called on to elect six of the Lords of the Bedchamber, six of the Grooms, and six of the Equerries.

Sir John Newport expected, instead of hearing gentlemen on the other side talk of the appointments of which the Regent was now to be deprived, being limited to twelve months, that they would have shewn that the clause, as it now stood, was not at variance with the Resolutions which had been come to by the two Houses, and with which they had gone up to the Prince of Wales. He felt exactly on this subject, as had been expressed by his honourable friend behind him (Mr. Brand). He could not conceive this to be any better than a fraudulent attempt at obtaining a consent from the Prince to accept of the Regency. It was impossible to conceive a greater imposture on the House than the present clause was from beginning to end, considering what were the votes and resolutions to which the House had already come on this subject. If this influence was not to be exerted against the Prince, still it was placed in such a way as to be neutralized, or to serve as a counterpoise to the legitimate influence of the Regent. The right hon. gentleman (Dundas) said that the influence alluded to was of no consequence.—It had been stated, however, that among the officers of the Household there were twenty-six members of the other House of Parliament, and six or eight who had seats in that House. If so, was not that a degree of influence of which it was highly improper that the Executive government should, at such a crisis, be deprived? The main purpose of his rising, however, was to put this plain question to gentlemen on the other side—Was this clause agreeable to the Resolutions which had been agreed to by the two Houses of Parliament? Or, in agreeing to this clause, had they not rather, after passing those Resolutions, and going up with them to the Prince, been guilty of a fraud on his Royal Highness?

Mr. Yorke spoke in reply. It was contended by gentlemen on the other side of the House, that the Bill was not founded on the Resolutions, and was something amounting to a fraud on his Royal Highness by violating the conditions which he had accepted. These assertions he must utterly deny, both in point of form, and in point of fact. In point of form, the Bill was ordered, without any re-

ference to the Resolutions adopted in the Committee *(Cries of Hear! hear! from the opposite side.)* He would admit, at the same time, that regard was to be had by the framers of the Bill to the spirit of the Resolutions. What, then, was their letter and spirit? Why, it was, that such a portion of the Royal Household should be placed under the controul of the Queen, as Parliament might deem necessary for the maintenance of the Royal dignity, and the personal comfort of his Majesty. In the Resolutions, there was nothing specified as to what that portion should be; and the question now before the House was, whether that portion should be of greater or less extent. On that head, he and his friends were not bound to adopt whatever gentlemen on the other side might think best. *(Hear! hear!)* The Resolutions admitted of contrariety of opinion, as to the greater or less of the portion. There was no specification in the Resolutions, none in the general understanding of the House, and none to govern those who framed and brought in the Bill. Where, then, was the fraud of which some gentlemen had talked so loudly? He had all along thought, that the more the subject of the Household was discussed, the more difference of opinion would exist about it. From the first, therefore, he was firmly of opinion, though he had conceded to his right honourable friend, that the whole of the Household should be entrusted to her Majesty, though he admitted it was proper that she should not possess the power of removal. In this state it would have remained till the expiration of the twelvemonth; and then, if his Majesty had not recovered within that period, the whole of it should have been transferred to the Regent. As to influence, when the Queen was deprived of the power of removal, and the Regent put in possession of the Royal prerogatives, he would ask any man, where was the danger of that counterpoise which had been so much dwelt upon?

Mr. Whitbread observed, that the right honourable gentleman seemed at last to have got over all his former difficulties in accepting the clause. But he would ask, when the Resolutions were presented to the Prince for his acceptance, was his Royal Highness to conceive, that so contemptible a portion of the Household was to be given him, that he was only to be attended by the Beef-eaters and the Band of Gentlemen Pensioners; while the whole of the great Officers of State, all those which conveyed political

influence, were to go over to the Queen? He had formerly stated, that the House had departed from their own Resolution—that they had practised a fraud upon his Royal Highness. They were now come to that very point which would be a touch-stone of their own consistency, and of their authority with the public. It now remained to be seen, whether the House of Commons was about to give effective strength to the government of the Regent, or to place him as it were in the hands of the present Minister, or give that Minister the power to create an opposition that would be banefully powerful against the Regent himself. (*Hear! hear!*) But the House was told that the limitation was fixed for a time, when it would at last expire; just as if the very mode in which that expiration was to take place was not to provide an egg of discord that must be fruitful in contention and embarrassment to the existing government. An honourable and learned gentleman had told the House that there should be an influence distinct from that of the Regent, otherwise there would be no power left to his Majesty to force himself again into his seat of Royalty. When the people, in future times, should look back on the history of those proceedings, nothing would astonish them more than to hear that any difficulties of that sort could have been dreaded or suspected for a moment: and if they were actually feared, what miserable expedients have been adopted to prevent them! No one could wish more than he did, for the immediate recovery of his Majesty—not only from feelings of attachment to his Sovereign and from a sense of the embarrassed state of the public affairs, but to extricate the Regent at once from that lot of pain and sorrow which he foresaw must await him in a government so crippled. The right hon. gentleman had made a provision, that for the present there should be no Lord Chamberlain; and had thrown out a taunt that the Prince might make a Chamberlain of his own. But what sort of a Chamberlain would he be, when destitute of all the powers of office—merely for the purpose of empty parade, to walk before the Prince with his white wand—a Chamberlain from the toy-shops? It really astonished him to hear some gentlemen contending, that the buck-hounds should be retained for his Majesty, who, even were he in health, could not partake in the amusement. Could any thing be more ludicrous, than to hear a gentleman gravely get up and maintain that such an appendage was any way necessary to the dignity or comfort

of his Majesty? With regard to the Lord Chamberlain, that office was to be dormant for a time, but all the patronage was to be vested in the Vice-Chamberlain. Did the House really recollect some of the patronage of the Lord Chamberlain? He appointed, for instance, many of the officers about the two Houses of Parliament; the Usher of the Black Rod and his deputies, the Serjeant at Arms of the House of Commons, and to other offices, which certainly gave him considerable power. Were these offices at all connected with the dignity or comfort of his Majesty? If they were not, why should the Regent be deprived of the power of creating a Lord Chamberlain?

He had always contended that the influence of the Crown was too great, and that it ought to be diminished: but there was no inconsistency in maintaining that the Regent ought to be invested with the same influence, whatever it was. He never would aim a side-blow at the influence of the Crown, nor make an underhand attempt to steal away that which should at least be openly aimed at. If there were any men disposed to resort to such methods, the right honourable gentleman opposite had set them the example; for he was divesting the Crown of its lustre, and endeavouring to make the experiment how far the Regal power could go on without political influence attached to it. It was also to be considered, that all the appointments of the Lord Steward and of the Master of the Household were connected with a very large expenditure of the public money. Was it no diminution of political influence to deprive the Regent of all such appointments? An hon. and learned gentleman, who usually felt very sore when hit in debate, though he had no hesitation in hitting as hard as he could whenever it was in his power, and who had done him (Mr. W.) something like an honour when he called him the "ornament of democracy," that learned gentleman had asked, how long time it would take to beat down an administration? He (Mr. W.) and his friends had been attempting it for the last four years, and hitherto without success; but when unfair means were resorted to on a former occasion, it did not require more than twelve months. With the patronage, however, which the right honourable gentleman would possess by the present Bill, any administration of the Regent must be demolished in less than one session of Parliament, and none but he could conduct the government. To prove this, it was only necessary to look at the list of those persons who were to belong

to the Council of the Queen, at the head of whom was John Lord Eldon, and then the right hon. gentleman himself, who certainly in the course of this business had shewn the most pre-eminent talents for debate—talents which he (Mr. W.) always believed him to possess, but which had never, till now, been displayed in so striking a manner. Sorry, therefore, he was, that they were likely to be employed against any new administration, particularly when backed by all the influence which the present measure would afford.

There could be no reason why such patronage should be entrusted to others, while the Prince was deprived of it. Why not deal with other men as with his Royal Highness? Why presume that every one else is disinterested and forbearing, and that he alone is not endowed with either of those qualities? Why particularly ascribe and allot them to John Lord Eldon, and James Duke of Montrose? Why suppose that they should act with all possible integrity, honour, forbearance, and disinterestedness, and at the same time insinuate an apprehension that the Prince of Wales would act diametrically opposite, and that he would make a wanton or imprudent use of any of the prerogatives with which Parliament might think proper to entrust him? The fact was, Lord Eldon as Chancellor, and the Duke of Montrose, had an amazing fund of patronage within their several departments. In case of any offices becoming vacant during this time, they had also the re-appointment to such offices: and it must be plain to the commonest and most moderate understanding, that the whole of this clause was laying a ground-work for an opposition to the government of the Prince when Regent, that must in a great degree impair his powers of rendering any service to the country, weaken his efforts, however active and praiseworthy, and ultimately prove victorious over every thing which he and his advisers might attempt for the benefit and salvation of the country.

He then adverted to that disgraceful vote, as he called it, which gave to the Queen's care the Mastership of the Buckhounds—an office which could not by possibility belong to the Queen, which never could, in the estimation of any one, add to the splendour of her Majesty, or in the smallest degree contribute, in the present melancholy and unfortunate state of affairs, to the comfort or satisfaction of the King. It was evident throughout the whole, that it was patronage that was wanted; and to gain that, the House

was desired to countenance the grossest absurdities, and swallow wholesale the most conspicuous improbabilities. The office of Lord Chamberlain, one of the highest both in point of rank and consequence, was not to be filled up, but was to be performed by deputy. The licencing of plays was a matter of great consequence to the country, and this was entirely to be given into the hands of the Vice-Chamberlain. The right hon. gentleman on the opposite side of the way maintained, however, that the plays are licensed by Mr. Larpent. It may be so (said Mr. W.), and no doubt that gentleman would conscientiously discharge the duties entrusted to him; but it was very well known that Mr. Larpent acted under the inspection and directions of the Lord-Chamberlain and Vice-Chamberlain; and that, however the business might nominally rest with him, the patronage and influence remained entirely with them. The Vice-Chamberlain at the present moment was the particular friend of the right honourable gentleman (Mr. Perceval); he was also one of his political supporters: in saying this, he meant nothing in the slightest degree disrespectful to either the noble lord or the right honourable gentleman, but merely to state the fact; and having done so, he could scarcely doubt but every man who heard him would easily conjecture how that influence possessed by him was likely to be exerted. The right hon. gentlemen on the opposite side of the House said, however, that in a year's time the Prince might remove every Lord of the Bed-Chamber. God forbid, that either the Prince, or any of his advisers, should ever entertain so base and disgraceful an idea! If the influence of the Lords of the Bed-Chamber were infinitely more extensive than it now is, and that influence even exerted in the most decisive manner against the administration of the Regent, he (Mr. W.), for one, would never consent that a single man should be removed. They were those attendants, who had for many years past always appeared round the person of his Majesty; they were those who were the last on whom his attention, even in the approaches of his present calamity, must have been fixed; and he (Mr. W.) wished them so to remain about his person, that in the first glimpses of his returning reason, his Majesty might feel the unspeakable satisfaction and delight of finding himself surrounded by those faithful servants and friends to whom he had so long been attached, and the recollection of whom could not fail to be most pleasing to him. There were,

however, many persons appointed by the Vice-Chamberlain who had never been seen by or known to the King; and he particularly alluded to the appointment of Mr. Kenric, which took place last year, and which he insisted was altogether a political appointment; and taking a fair and candid view of the whole of this business, it was impossible any impartial man could say that it was for any other than political purposes that the whole of this clause was framed.

The right honourable gentleman opposite, speaking of the distribution that was made under Mr. Burke's Bill, concerning the Household, had told them what that distribution was; but he had not favoured them with one single word as to the propriety of it. Another right hon. gentleman (Mr. Yorke) had accused them of departing from the precedent of 1789; and endeavoured to persuade the House, that in so doing, they had plunged into a labyrinth of errors, from the ill consequences of which they would not be able easily to extricate themselves. At that time, however, the right honourable gentleman did not happen to be a member of the House. He presumed he had some particular facility of hearing the debates, from the extreme accuracy which he pretended to have of the subject; and the great dexterity he had since displayed in shutting the gallery when a popular subject was to come on, shewed clearly that he must have had superior means of information, otherwise he never could have been so accomplished a politician as he was now daily proving himself to be.

The whole proceeding appeared to him to be a fatal blow to the constitution of the country; which, if it survived, must afford an irrefragable proof of its inherent energy and soundness. The right hon. gentleman (Mr. Perceval) had taken a ground in this proceeding, from which, if he continued in power, he might certainly man his fortresses, and play off his artillery with most powerful effect; but if he was put out, he would turn those very guns against the works of his own construction, and leave the whole one mighty heap of ruins.

Mr. Stephen expressed his surprise that the hon. gentleman who spoke last should have spoken with so much warmth, and apparently with so much acrimony, respecting some words which he (Mr S.) had uttered in a former debate, expressive of a compliment to the honourable gentleman. He was very sorry that he had thereby given him the slightest offence; he had no intention of doing so; and the

House, and the hon. gentleman, might rest assured he would never be guilty of the like again. The hon. gentleman reminded him of some animals he had read of; they are so very fierce, they will not suffer themselves to be stroked: and he remembered a very humorous author had drawn a character of a peculiar kind, whom he chose to denominate *Lismahago*, who was so fond of contradiction, that when any of his best friends started a subject which they thought the most congenial to his feelings, place it in whatever point of view they would, he was sure to meet it with a plump *negative*. During the honourable gentleman's speech, to which he had listened with the greatest attention, he found himself at a loss to account for the reason by which the honourable gentleman had been induced to say what he had; but on recollection it struck him, that rumour "with her hundred tongues" had lately informed him and the public at large, that the honourable gentleman was likely soon to have a place on this (the ministerial) side of the House; a place in which he should be extremely glad to see him. But what place was this? He had no doubt the House would be surprised when he told them, it was that of a minister—no less than the War Minister. He must confess he would as soon have thought of his being made Master of the Ceremonies. The hon. gentleman, whose theme was always peace, to be a War Minister! He might perhaps be a war minister for a democracy, who would act upon the principle in Hudibras,

"The man who fights and runs away,
"May live to fight another day."

With respect to the new point that had been mentioned relating to this clause, an honourable Baronet had said, that the resolutions went only to the giving of a certain portion of the Household to the care and management of the Queen, whereas the clause gave a very large portion of it indeed. This he (Mr. S.) thought was perfectly right, and doing no more than what the right honourable gentleman on the floor (Mr. Canning) had allowed might be done, at the time he moved the amendment to the resolution. The right honourable gentleman then said, that the portion might be modified in any degree whatever, according to the will and pleasure of the House, who might give her Majesty, by a clause in the Bill, either a lesser or greater portion, or even the whole patronage of the House.

hold, if they thought proper: and yet they were now told, that the present clause was a quibble and a fraud upon his Royal Highness, and meant only to divest him of powers which were necessary for carrying on the Executive Government. So far was he from being of this opinion, that he thought it would be a fraud on the House, if that clause was not passed in the manner in which it had been sanctioned by the Committee.

Mr. Whitbread begged to say a few words in explanation. The honourable gentleman, who had just sat down, had made a mistake in stating him to have been displeased with the compliment which he had paid him in a former debate. It was not he who had quarrelled with the compliment, but a right honourable gentleman on the other side of the House, who had vehemently opposed him. He could assure the honourable and learned gentleman that he was particularly pleased with that part of it, which said he was the ornament of democracy;—such a democracy as he (Mr. W.) had contemplated, he should ever feel proud to be at the head of. As to the honourable and learned gentleman's information, derived from rumour with her hundred tongues, he could only say, that this was the first rumour he had heard of it; and though the honourable gentleman might think it so far to be relied upon, as to entitle him to state that he (Mr. W.) was likely soon to have a place on the other side of the House, there was one part of his speech he really did not believe; namely, that he would be glad to see him there. The hon. and learned gentleman had for some time stuck there very close; yet he (Mr. W.) could by no means say whether the hon. gentleman had yet got all he wanted.

Mr. Canning said, he should be sorry to give unnecessary trouble, but he wished to have the Resolution read; which being done accordingly, he continued, that to the Resolution so framed he perfectly agreed. To the Regent he thought all the great State Offices, such as the Master of the Horse, the Lord Chamberlain, &c. should be assigned; and to the Queen, all the inferior and domestic offices, such as Lords and Grooms of the Bed-chamber, and others, which could in any degree contribute or add to the comfort of the King; those particularly who are immediately employed in the Palace about his Majesty's person, and whose absence on his recovery he might feel the want of. This was all that he thought was necessary to

do at that time; and he was of opinion, that he and others who took the same view of the question, were not kindly treated, when, in looking into the details, they were forbidden to join in those which do honour to the human mind, and are accused of want of loyalty, because they would separate such parts of the Household from the immediate attendance upon the King, in order to transfer them to where they think they could be more suitably attached, by making them part of the household and state of the Regent. In all the circumstances of private life, details fall upon those who have most cause for affliction; so, in the present case, they who have looked at this most painful part of this painful business, have entered into it with a desire and anxiety to do every thing for the best. He, for his own part, was one of those who had devoted much time and consideration to this important subject; and yet they were now told, by authority they could not doubt, that they had got into difficulties from which they would not easily extricate themselves. [Mr. Canning alluded to an observation which fell from Mr. Yorke, that their difficulties were owing to their not having closely adhered to the precedent of 1789.] For his own part, however, he was rejoiced the House had taken the course they did; and if they should come out with no other improvement than that of having made the Lords of the Bed-chamber irremoveable, he should think they had done great things. The right honourable gentleman (Mr. Yorke) would give the whole Household to the Queen now, and at the end of twelve months take it away and give it to the Prince. He, on the contrary, would rather that the arrangement should be made permanent at this moment. Mr. Canning here re-stated his former arguments, and the replies that had been given to them; and then returning to the clause under consideration, he observed it was not thereby enacted that this establishment should go on to February the 1st, 1812, and that then the new order of things should take place; whereas, if his right honourable friend really intended that the Regent should have the whole power at that time, it should be plainly and unequivocally enacted by the present Bill. If it was not, when that first of February arrived, the Regent would have no friend to advise him to claim to be invested with the whole of the prerogative. He acquitted his right honourable friend of intending any insult to the Prince in framing the restrictions;

but he thought it would be best for all parties, for the House and for the Country, to make it the subject of a specific enactment at present. He particularly objected to the office of Lord Chamberlain being permitted to remain in an inert state and unfilled, and by so doing transferring the power and patronage of that high office from a Peer to a member of that House. No person could entertain a higher respect for that particular member; but he conceived the office to be of that rank and consequence, that it should be filled by a Peer. He concluded with stating, that in the course of the evening he should offer an amendment to the clause under consideration.

Lord Castlereagh felt it necessary to say a few words as to the grounds of the vote he should give. As he could not agree to the amendment proposed, he should not vote for leaving out the words proposed to be omitted; but when they should come to a vote on the body of the Bill, he should feel it his duty to negative the clause, with a view to propose an amendment, which would record his sentiments upon the subject. Neither the amendment of the right honourable gentleman, nor the clause of his right honourable friend, would execute what, in his conception, ought to be provided with respect to the Household. He would go farther, and say, that the clause, as it then stood, would not execute even the purpose which his right honourable friend professed to have in view. The strongest objection, in his mind, to the clause, was, that it rendered the great Officers of the Household irremovable. Nothing could be more offensive than to place officers of that description in attendance on the Royal person, by the authority of Parliament, and not removable at the pleasure of her Majesty. To such a provision he should prefer the Bill of 1789; because, though that measure gave more influence to her Majesty than was necessary, it yet assigned to her all that was properly belonging to her high and exalted situation. He should therefore give his vote to negative the whole clause, in order to move an amendment which would meet his own views upon the subject.

Sir Samuel Romilly contended, that the Bill, as it then stood, was not a fair, a candid, or an honest execution of the Resolutions which had been agreed to by both Houses of Parliament. For his own part, he should give his support to a proposition, the effect of which would be to transfer the powers of the Executive to the Regent, without re-

mily, to which even the meanest of his Majesty's subjects were not exposed. He neither accused, nor could he suppose his right honourable friend capable of offering any insult to the Prince of Wales. He wished he could say the same of his political adherents. If so, they would not have found those public prints, which he should not say were under the protection of the administration of his right honourable friend, but which were certainly not prosecuted with the same severity and rigour as were manifested in other instances, pursuing a systematic course of attack upon his Royal Highness, calumniating every act, and misrepresenting every word of his Royal Highness, and holding up to scorn and derision every member of the Royal Family (*Hear, hear!*) Neither should they have found them incessantly imputing the basest motives to many members of that House for pursuing on this occasion what they conscientiously considered their duty.

The *Chancellor of the Exchequer* rose to state shortly his sentiments upon this question. He had waited till that late hour of the discussion, in order that he might collect what were the sentiments of other gentlemen upon it, and, by not rising earlier, he had hoped to avoid the necessity of troubling the House again with any observations. And first with respect to the charge of supposed though not intended disrespect to his royal highness the Prince of Wales, in not committing to him the guardianship of his Majesty's person; he should only observe, that as they had all agreed that the guardianship should not be entrusted to his Royal Highness, whether that were conformable to the practice in the Court of Chancery or not, all that was now out of the question. His honourable and learned friend did him no more than justice in stating that he did not believe him to entertain any intention of reflecting upon his royal highness the Prince of Wales. He lamented as much as his honourable and learned friend could any licentious expressions, which in the public prints might have been applied either to the Prince of Wales, or to any of the other branches of the Royal Family; but that was not the time or place for the discussion of the reflections of that kind, which may have been made upon any one description or another of public men. When his hon. and learned friend stated that the Bill was not a fair and honest execution of the Resolutions, he must beg the House to make a distinction between the Bill which he brought in, and the Amendments which had since been made in its progress. As he could not know, what many honour-

able Members themselves did not seem to have known, what Amendments they meant to propose, he had brought in his Bill in a shape to admit of the introduction of any Amendment that might be thought eligible. In proof that gentlemen did not know their own amendments, he called upon the right honourable gentleman who brought forward the Amendment of this night, whether in the Committee on the Bill he was aware of the Amendment he this night proposed? The right honourable gentleman, by a kind of second sight, took the hint from arguments urged by an honourable gentleman on the floor, and formed his amendment upon them. But where these arguments were found, as the honourable member had denied having ever used them in the House, it was for the right honourable gentleman to explain. But now that he had heard the arguments of that honourable member that night, he doubted much whether the right honourable gentleman might not fairly question the propriety of his amendment. It was a difficult task to frame the Bill, not only to meet the different opinions which different members might entertain of it, but the different opinions of the same persons. The honourable member for Hertfordshire (Mr. Brand) had put a case of a Minister so managing his minority as to carry a particular Resolution to be presented to the Prince, and then to manage his majority so as to rescind that Resolution. The honourable member could not, however, have stated that to be his case, because he had brought in Resolutions much more restrictive than those agreed to; and it was not till his own were rejected, that the Resolutions actually carried were put upon him. The honourable gentleman, therefore, would, he was sure, acquit him of having laid so deep a plan for the attainment of his object. But he was ready to contend, that there was nothing in the Bill contradictory to the Resolution. When the Resolution was first proposed, the objections to it were two-fold; one, that of most weight, was, that it would give too much influence to the Queen, an objection which he got rid of by taking away the power of removal, and thereby doing away all the political influence. The only power of appointment then left was in case of vacancy by death. He had consented to this sacrifice in compliance with what he considered the prevailing sentiment of the House. This, he confessed, took considerable weight from the principle upon which the resolution was founded; but as the time was limited, he considered that the mischief in principle would be prac-

tically done away. The great basis of their whole proceeding was, to provide for a short time, and not to break in upon any established rule where it could be avoided. And here he incurred the censure of his right hon. friend (*Mr. Canning*), for not making the provision permanent. But without meaning any disrespect to his right honourable friend, it appeared to him monstrous, that the House, in providing for the maintenance of his Majesty's dignity now, when they had a sanguine expectation that his illness would be of a very short duration, should arrange the proportion of the Household to be given to her Majesty, in the same manner as if his Majesty's calamity was to last the whole of his natural life. It would certainly be the better mode to make an arrangement that would meet both cases; but that was impossible. If his Majesty were to recover within six weeks, or three months, or even six months, would any honourable member wish to strip him of his Household to the same extent as if no hope were entertained of his recovery? His right hon. friend had called upon them to state, why they did not propose to make now a permanent provision for the arrangement of the Household? The answer was, that their measure was to provide only for a twelvemonth, and that what hereafter might be necessary, should be done at the expiration of that period. His hon. and learned friend who had just sat down, had commented rather severely upon him for having adverted to what might be the feelings of his Majesty on his convalescence, in case he should find a Regency established. He had *undoubtedly* on one occasion alluded to what those feelings might be in such an event, and he still retained the same impression. But, however he may lament the effect that might possibly be the consequence, a sense of public duty, and a regard to the public interests had compelled him to bring forward the measure for establishing a Regency. In the former instance there was no pressing necessity for the measure, and he was consequently justified in abstaining from it, in considerstion of the effect it might have on his Majesty's feelings, and consequently in retarding his recovery. But if the urgency of public interests compelled him now to bring forward the measure, was that a reason why he was not to take into his consideration what may be his Majesty's feelings in all parts of the question, where the same necessity did not exist, as to the Household? In one case he could not avoid proceeding: in the other he could avoid it, and wherever he could he ought to avoid it. This was his

view of the case. He was aware it had been urged as discreditable to his Majesty's mind, if, on his recovery, he could be affected by the removal of the Gentlemen of his Bed-chamber, and not by the management of his fleets and armies. But was that a fair way of putting the case? Was it not necessary to commit the management of the fleets and armies to another? Was it necessary to hand over the controul of the Lords of the Bed-chamber? But could any thing be more afflicting to a person suffering under this peculiar malady as a wound to his dignity? The proposition of the right hon. gentleman went to take away at once one-half of the Gentlemen of the Bed-chamber, on a six weeks' illness. Besides, it would consign to her Majesty the painful task of fixing upon that part that was to be taken away. The proposition was, not that the six senior or six junior Lords were to be removed, but that six were to remain in, and that her Majesty was to have the pleasurable task of selecting them, and also such other parts of the Household as she might think necessary; and all this under impressions in that House, that her influence was dangerous, and that the larger proportion of the Household ought to belong to the Prince, and the smaller to the Queen, whilst the Queen would be left to carve out the portion for herself. Nothing could offend his Majesty, or wound his feelings more than to find his Household dismembered. The pencil of the painter, and pen of the poet, have been happily employed in pourtraying the agonies endured by illustrious sufferers, under the impression of wounded dignity. They had seen, how Richard, suffering with patience all his reverses, bitterly felt the indignity offered to him in prison; they could call to mind, too, as pourtrayed by the master pen of Shakspeare, the pangs of Queen Catharine, when exposed to the insulting want of the respect due to her exalted rank. He would wish to hear the representation given in the words of a right hon. gentleman opposite (Mr. Sheridan), and should endeavour to recollect them. (Here the right hon. gentleman recited a passage from the monody on the death of Garrick, ending with the lines,

"Go, and on real misery bestow
"The best effusions of fictitious woe."

He would entreat gentlemen to bear in mind, what would be the effect in the case of a private individual, of breaking

down a whole establishment, and, by what each might be supposed to feel in such a case, to judge what would be the feelings of his Majesty? With respect to what had fallen from his right honourable friend, as to the clause being unintelligible, he should only say, that as his right honourable friend had admitted, that he deduced something substantive from its affirmations and negations, he had saved him much trouble. On the whole he should observe, that the exception pointed out what was not to be given to the Queen; that the clause was perfectly intelligible; and, as it had nothing unconstitutional in it, should be supported by him against the Amendment of the right, honourable gentleman.

Mr. Tierney did not mean to trespass at any length upon the time of the House; but after the extraordinary speech which they had just heard, he felt it necessary to say a few words. The whole of the right hon. gentleman's speech consisted of an appeal to the passions, an appeal quite unnecessary in that House. The right honourable gentleman need not to have quoted the lines of his right hon. friend, or adverted to the magic pen of Shakspeare; all that it was necessary for him to say was, that a beloved Sovereign was labouring under this heavy calamity to interest the feelings of every man present; all that he had said beyond that was intended to draw the House from the question. He had expected that the right hon. gentleman would have shewn that the Bill had not departed from the Resolutions, that the Prince of Wales, if the Bill should pass, would know what part of the Household was to be under his controul. But in this the right hon. gentleman had completely failed. If ever any man had contrived by dexterous shifting to evade a question, the right hon. gentleman had done so. But in all that applied really to the subject under discussion, the right hon. gentleman had been completely answered by his hon. and learned friend (Sir S. Romilly). The Resolution stated that only such portion of the Household as should be necessary for the personal comfort of his Majesty should be given to the Queen. It was impossible that the Prince, after receiving such a Resolution, could suppose that the House should be discussing what part of the Household would be necessary for the maintenance of the splendour and comfort of the King. On that ground there could be no question, every gentleman would be ready to vote whatever portion of it

her Majesty might think necessary. The right honourable gentleman had said, that he had endeavoured to recollect what might be the sentiments of others upon this point. If so, he failed altogether. The noble Lord (Castlereagh) was to negative the clause, and the right honourable gentleman (Mr. Canning) proposed only to retain the two or three first lines. So that, in fact, whilst pretending to meet the wishes of others, the right hon. gentleman had contrived to carry into effect only his own. He would admit, that in abridging the influence of the Queen, the right hon. gentleman had removed a considerable part of the objection, supposing, what he could never bring himself even to suspect, the Queen to be capable of employing her power to procure political influence. But what was all this to the Regent? Not to the Regent himself, but as exercising in the name and on behalf of his Majesty the Royal functions? Was he to be deputed to execute the office of King, stripped of its state and splendour? But, said the right hon. gentleman, the Regent will have a Chamberlain. Yes, a Chamberlain divested of his powers and patronage, "a man of straw," having no more power or influence than the white wand in his hand. Then again, the right hon. gentleman said, no Lord Chamberlain is to be appointed. Why not? why was all this done? Was there a man in that House that did not feel and know, that it was done for political purposes? The Lord Chamberlain had enormous patronage; by the statement of his right hon. friend, he could appoint to several offices connected with that House, which were not likely to become vacant, but there might be an office in the other House at his disposal. Did the right hon. gentleman think he was consulting the feelings of the King, now that Lord Dartmouth, who was personally agreeable to him, was removed by death, to give to the Vice-Chamberlain all the patronage of that office, a patronage which the King would never have thought of bestowing upon him. He could not persuade himself that the thing was done for any other than a political purpose. He could not believe that her Majesty would enter into conversation with any of her Council upon such a subject. But then her Council was composed of politicians; and was it not likely that the Vice-Chamberlain would consult Lord Eldon, or some other of the Council, as to the disposal of his patronage? The whole was a scheme of political power, as had been well expressed by a right hon. gentleman opposite (Mr. Canning), calculated

to set the Executive power at war with the Palace. The right honourable gentleman had been rather severe upon his right hon. friend, for endeavouring to render his Amendment palatable to the House, and for having with that view changed it a little. But did the right hon. gentleman never do any such thing? or was he to have a monopoly of the privilege of altering a proposition to make it more acceptable to the House? Were they not to grow wiser by experience, or to acquire knowledge as they grew older? for that would be the effect of his objection. But the right honourable gentleman asked what a situation would the Queen be placed in if she were to be obliged to choose her portion of the Household? For himself he should say, that he would not vote for any proposition, if it were to impose any disagreeable office on her Majesty. All that was asked by the Amendment was, that six Lords of the Bed-chamber should be enough. In another clause of the Bill, 1000*l.* per month was to be placed at her Majesty's disposal, to be distributed in the same manner as she might suppose his Majesty would have done. It might as well be said, that this was to impose upon her Majesty the disagreeable task of selection. He could not believe, that any of the advisers of his Royal Highness would recommend to him to remove any of the servants of the King. But after all, he did not think the thing worth the contest. If it was satisfactory to the House that it should remain as regulated by the Bill, in the name of God let it be so. But in point of fact the Gentlemen of the Bed-chamber, with the exception of one who had voted for the Regency in the former instance, and was removed for that offence, were never disturbed by any administration. Without meaning them any disrespect, they were impressed with the necessity of supporting Government, and never gave any administration cause to remove them. It was the same with many gentlemen in that House, with respect to the feelings of supporting Government; otherwise, if they stuck fast, there would be no going on after a change. The patronage of the Lord Chamberlain, Lord Steward, and Master of the Horse, was a part of the Executive influence. If it be taken from the Regent, the question was, whether he would represent the King? Without this patronage, the monarchical would be overborne by the democratical part of our Constitution. If the right honourable gentleman was not actuated by distrust of the Prince, why not provide for him in the

same manner as for the Queen? But it had been argued by the right honourable gentleman, that his Majesty on waking might turn his thoughts to his former habits, and, on finding that his Master of the Buckhounds had been removed, be in danger of a relapse. If the right honourable gentleman should think of restoring his Majesty to his office under such circumstances, he would be guilty of a crime. He should do all in his power to soothe his cares and render his pillow comfortable, but he must not, from a respect for such feelings, forego his public duty. If his Majesty should have a certificate properly given of his recovery from his physicians, the only feelings he would be sensible of would be those for the welfare of his subjects, and would be consistent with the whole tenour of his life. If they were to appoint a substitute for the Monarch, he ought to have the trappings of Royalty. Upon the whole he should call upon the House not to try an experiment by refusing confidence to a Prince of Wales to whom their allegiance would soon be due. If they should do so, when George IV. should make a peer, it might be said, we knew him before and did not trust him; and it is our own fault that we did not tie him up when we had him in our power. They had to appoint a representative of the King, and should not be biassed by any political view whatever.

The Chancellor of the Exchequer explained.

The gallery was then cleared. The House then divided,

For the Amendment - - -	190
Against it - - - - -	212
Majority - - -	22

Before strangers were re-admitted into the gallery, a report was brought in from the Secret Committee appointed to inquire into the expenditure of the Privy Purse. In consequence of the Report, it became necessary to introduce some new clauses into the Bill, which was re-committed for that purpose.

On re-admission into the gallery,

The Chancellor of the Exchequer was introducing his first clause, which was to direct the Lord High Treasurer to issue certain sums for the payment of the Officers of the Household; which clause was agreed to without a division.

The second required the Lord Keeper of the Privy Purse to take an oath every year before one of the Barons of the Exchequer, that no part of the said annual sum of 60,000*l.* should be applied in any payments to any member of that House. This clause was also agreed to.

The Bill so amended was then reported to the House.

Mr. Whitbread moved, that instead of the words "assisting his Majesty," should be inserted the words. "providing for the exercise of the Royal Authority." He thought it was absurd to speak of assisting his Majesty in the government at the present time.

The Chancellor of the Exchequer said, that the Bill went throughout on the idea of assisting his Majesty in the government, which was to be carried on in his name. He therefore could not agree to the amendment.

The proposed amendment was then negatived.

Mr. Whitbread then proposed as an amendment, that before the words "resumption of his Royal Authority," the word "eventual" should be inserted.

This amendment was also negatived.

Mr. Whitbread also moved, that the word "mental" should be inserted before the word "health," which was also negatived.

Lord Castlereagh rose to move an amendment nearly similar to that which he had before moved in the Committee; at the same time that he wished that the Queen should have the complete controul over that part of the Household which was necessary for the comfort of the Royal Person, yet he wished that such a selection might be made from the Household, as to enable the Regent to appear with sufficient splendour without appointing separate officers for himself. He thought that those great officers of the Household who attended the Sovereign only on occasions of state, might very properly be transferred to the Regent and placed under his controul. He thought those offices ought not to be allowed to be mere sinecures, but that the officers should be obliged to perform those services to the Regent, which at present they cannot perform to the King. These officers were the Lord Chamberlain, the Groom of the Stole, the Steward of the Household, the Master of the Horse, and Master of the Stag-hounds. Any duty which they could have to perform about the person of the Sovereign, might be discharged as well by deputies under the controul of her Majesty, He was not afraid of giving the Regent the power of re-

moving them. If, without any regard to delicacy, it could be supposed that they would immediately be removed, it could not be doubted but they would be immediately replaced on his Majesty's return to health. His Lordship concluded by moving a long Amendment, which embraced the various points mentioned in his speech.

This amendment was negatived.

Mr. Canning, without any preface, moved an amendment similar to that which he had propoposed in the Committee; and this amendment was also negatived.

After a few verbal observations, the Bill was ordered to be read a third time to-morrow, if engrossed—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, JANUARY 23.

PETITION FROM THE COMMON HALL.

Lord Erskine rose, and presented a Petition from the Lord Mayor, Aldermen, and Livery, of the City of London, assembled in the Common Hall, expressing their opinion respecting the important Bill their Lordships were about to discuss, and praying their Lordships thereupon.

The Petition was then read by the Clerk, after which

Lord Erskine moved, that the Petition do lie on the table.

The Lord Chancellor rose, and stated the objections he felt against the receiving of the Petition, which was not couched so as to correspond with the forms of that House. The Petition purported to be the petition of the City of London; but it was deficient in not having the Corporate Seal affixed to it, which was necessary to any petition to their Lordships from a corporate body. If, therefore, it was received at all, it might be received as the Petition of those persons whose names appeared to be signed to it; but could not be received as containing a prayer by the persons whose signatures were put to it, on the part of themselves and of other persons.

Lord Erskine said again that he would not press it: but would rather, after the objections which had been raised, take it back to the Sheriffs, to have the informality alleged, rectified. The noble Lord then moved

for leave to withdraw the Petition, which was granted, *nem. dis.*

PROXIES.

The Lord Chancellor moved the reading of the report of the Committee appointed to search into the precedents, touching the matter of Proxies. Ordered.

The Clerk then read the report.

The Lord Chancellor then moved, that the circular letter written by him, by order of the House, to the members thereof, be read, which was ordered and done accordingly.

The Lord Chancellor rose, in pursuance of the notice he had given, to move the four resolutions he had already read to their Lordships, on the subject of Proxies. After alluding to the precedents mentioned in the Report, his Lordship contended, that the obeying the summons to Parliament in appearing by proxy was sufficient. This brought him to the consideration of the recent circumstances under which the right of voting by proxy had been refused. He declared that on that occasion he was unacquainted with the state of the Proxy-book. Upon full reflection on circumstances, he felt it to be his duty to call the attention of their lordships to it. The questions principally to be considered were: whether in case the causes for opening Parliament had been declared, the proceeding alluded to was regular: and whether, secondly, if these causes had not been declared, it was regular. It was of great importance to consider the subject, as it might be made a precedent of in future. It would go to divide that House into the two classes of present and absent peers. He could not see how the right of the present peers could be established, if that of those who are present by proxy were denied; and he felt this more, as he considered it to be his imperious duty to resist the doctrines he had heard and read, that the present Parliament had assembled as a Convention, and not in their capacity as the two Houses of Parliament. Like other modern fashionable doctrines, they had been told, that the system of voting by Proxies was wrong. It was, said his Lordship, a privilege, or a duty. If an ancient privilege, he would not consent to part with it; if a duty, he should insist on his right of discharging it. The arguments about the use of Proxies on a Report destroying the votes in a Committee,

went in fact to the destruction of all their proceedings. It had been the practice of Parliament in all times: and he defied any body to shew him the material difference between that, and a noble lord's coming in at two or three o'clock in the morning, to vote without hearing a word of a debate that had lasted all night. An abuse of the right might exist; but that was no argument for destroying the right altogether. It was the right of a noble lord, if he chose to do so, to vote without having attended to any of the proceedings before the House. If their lordships thought it fitting to put an end to Proxies, they must do it upon grave deliberation, and a certainty that the measure was required by the public benefit. Besides the precedents of former times, he maintained, that the modern usage of the House established the right. It was not necessary to notice the prohibitions in Edward the Ist, IInd, and IIId's reigns, as they had met under no such restrictions. They were then met upon a prorogation, without any prohibitions. The House was compounded of peers present in person, and peers present by proxy. If any case were supposed of the shutting out of Proxies, the negative upon the title to vote by proxy, must be made by resolution or determination, to which peers present in person, and peers present by proxy, must equally be parties. In judicial proceedings, from 1691, their lordships had disallowed Proxies; but that was quite a different case from saying that they ought not to receive Proxies on any particular question. Lord Strafford's case, no Proxies were taken, in consequence of a previous resolution. What he maintained generally was, that the right of Proxy was incontestable, except where it was refused by some standing order or previous determination. If any argument were raised on the subject of the King's licence of leave of absence, he was afraid that none had it in the present, nor in the last Session of the Parliament. All the usage since 1691, except a case in 1725, which did not apply, was against the instance of Proxies refused by an intermediate and not a previous motion. He particularly wished, in submitting these Resolutions, to get rid of the uneasiness he felt, on reading that they had assembled only as a Convention, which he would assert they had not. They had met in their capacity as the three Estates of the Realm. When that House and the House of Commons met on the 1st of November, they met "in Parliament assembled," under his Majesty's authority; for on the 15th of September

Parliament was prorogued by his Majesty to the 1st of November. What, when so met, under all the circumstances, they were capable of doing, and what they ought to do, were quite different questions. He felt no other anxiety upon this subject, than an anxiety that the character in which they met should be rightly understood, and that there should be no doubts about what they were. He asserted that they were Lords Spiritual and Temporal and the Commons, in Parliament assembled. Still some respectable authorities had said, that they could do nothing till the King appeared among them: but let them recollect what he had already said of the distinction to be made between what they were capable of doing, and what they ought to do. He thought that each Proxy tendered on the recent occasion was the Proxy of a noble lord capable of so voting. He could perceive no distinction between a lord present in person, and present in proxy. He could not find where, in our history, he was to look for such a distinction. In referring to former periods, he found that business had commenced in Parliament previous to any notification of the causes for opening it. At the Restoration, a Proxy was entered before writs had been issued, and Bills had passed through the second stage. He begged to say, that in his allusions to what had lately passed, he meant to intimate no blame on any noble lord except upon himself. He thought that on that occasion, considering the opinions he held on the subject, he had not acted with sufficient firmness; and thought that the noble Lord, son to a late Chief Justice of the King's Bench, was perfectly justified in calling for Proxies. After a number of other observations, the noble and learned Lord proceeded to propose his resolutions, which, in substance, stated the general right of every noble peer to vote by Proxy, except only in such cases where a standing order, or previous determination of their lordships, forbade the use of it: and that, in putting such previous question on their use, peers present in person, and peers present by proxy, had an equal right to give their votes.

The Earl of Moira was very far from considering the present question as one merely regarding the form and order of their proceedings, as the noble and learned lord seemed to suppose. On ordinary occasions, and in matters where it was competent for Proxies to vote, no person had called in question their propriety; but he must contend, that it

was of the very essence of a deliberative assembly, like their Lordships' House, not to circumscribe its deliberations on every possible future occasion, by adopting such regulations as those contained in the Resolutions. There was no such precedent to be found in the Journals; for indeed it would be the grossest of all absurdities thus to provide before-hand what should be done on every exigency, the circumstances of which were not known. He viewed the Resolutions in no other light than as a side-wind attack on the proceedings of the House on a former night; proceedings which the noble and learned Lord had not the courage to attack openly and manfully. The questions now started were totally unnecessary; decision had been already come to; and why then produce them on the present occasion? Was this a season, he would ask, for unnecessarily proclaiming the privileges of the House, and bringing the question about utility or inutility of Proxies, under the discussion and decision of the country? He was far from denying that advantages might, in many instances, attend the privilege of voting by proxy; but it still was a privilege which excited jealousy in the people; and nothing could be more unwise and inconsiderate than to bring forward a question, of which the public were not able to ventilate all the real bearings, nor properly to estimate the merits. It was an opinion very generally entertained, and certainly founded on good reasons, that a man even of sound principles had more temptation to give a less conscientious vote when he entrusted the keeping of his conscience to another, than when he came forward in person, and delivered his opinion on any subject. On the present occasion, the learned Lord had certainly put forth all his ingenuity; but as Shakspeare had represented Richard and the Duke of Buckingham, he had met the House in "rusty armour, marvellously ill-favoured." It appeared to him (Lord M.) that nothing less than some dæmon of mischief could have induced the noble Lord and his colleagues to urge the discussion of such a question as the present. Did he think the British people so debased and degraded, as patiently to bear the discussion of a question at the present moment, that might involve and prove fatal to their dearest rights?

What, he would ask, was the real subject of discussion in the House, the other night? The noble Lord had said, that before coming to a vote on the first Resolution, which was then under discussion, there was the intervention of

a question, whether Proxies should be admitted to vote. But the noble Lord had left out of view, that there was another question then pending. The fact was, that a doubt had been previously started, and very generally entertained, whether, in the condition and form the House was then, and under all the existing circumstances of delicacy, difficulty, and novelty, Proxies could be given in at all. No determination had been come to, for this plain reason, that it hardly entered into the mind of any man, that there would be such an indecent act as the presenting of proxies on such an occasion. The general principle on which the power of creating Peers was vested in the Crown, was, to prevent the formation of confederacies and combinations among the Peers, by which they might thwart the measures of government, and draw all the power of the state into their own hands. The power of creating Peers enabled the King to break all such confederacies, in the same way as, by an appeal to the people, he could dissolve a refractory and factious House of Commons. What then could be more dangerous to the Constitution than the existence of such a confederacy? and he charged the noble lords opposite with taking all the steps tending to produce a combination of that sort; though unconsciously, and not with that immediate object in view. It was a species of proceeding that tended naturally to create the worst of all kinds of government—an oligarchy; which was worse even than despotism itself, as producing many tyrants instead of one, and hatching a nest of scorpions which could not move without stinging the people. The present motion, in his opinion, had that tendency, and he must therefore reprobate it, whether its authors were conscious of its tendency or not. Under all these circumstances, believing the present to be an unnecessary and mischievous question, he thought it impossible that it could obtain the support of the House, and should therefore move, "that the House do now adjourn."

REGENCY BILL.

The Earl of Liverpool here proposed that the debate should be adjourned during pleasure, for the purpose of receiving a communication from the Commons.

This was consented to; and the Chancellor of the Exchequer, accompanied by a number of the Commons, presented at the bar a Bill, "to provide for the administration

of the Royal Authority, and for the care of his Majesty's person, during his present illness."

The Commons being withdrawn, on the motion of the Earl of Liverpool, the Bill was read a first time, ordered to be printed, and to be read a second time to-morrow.

The debate then proceeded on the question of adjournment.

The Earl of Ross supported the original motion.—Every man who had witnessed the confusion into which the House was thrown on a former night, when the question of Proxies was brought forward, must, he thought, be convinced of the necessity of adopting some resolution for preventing the recurrence of a similar confusion in future. If the House were wrong at that time in refusing the proxies, it was manly to acknowledge their error; but if right, then a resolution might be adopted to that effect. It had been said, that before the opening of Parliament by Commissioners, the two Houses were assembled in Convention. This was not his opinion; but even if it had been so, he was prepared to contend that Proxies had a right to vote in such Convention. The same authority, namely, the licence of the King, which gave the lords present a right to vote, gave the same right to those who were absent; and to deprive the absent lords of the privilege of exercising that right, was drawing a distinction of the most unconstitutional nature. He must deny, however, that the Houses sat lately as a Convention. The two Houses, when they met in November, were the same Parliament that had sat for several sessions, and that was prorogued to the first of November by his Majesty. If that was not the case, why had not the representative peers of Scotland taken the oaths—why had protests been entered on several occasions—and why was the privilege of franking exercised, which was enjoyed by their lordships, not as peers, but Lords of Parliament? The only reason why proxies were not admitted in judicial matters, was, because it was a principle of law, that no Judge could pronounce his opinion through the medium of another. The privilege of voting by Proxy was one which had been enjoyed by their lordships from time immemorial, and which they were bound to transmit to their posterity.

The Earl of Mansfield was of opinion, that the privilege of voting by Proxy was an inherent right in their Lordships, communicated by the King's licence, and subject to the re-

gulation of the House, but not to its controul. No argument had convinced him, that the two Houses were not a Parliament on the first day of their meeting. It had been said, however, by a noble lord, that when affairs of such difficulty pressed upon the House, it was proper that Proxies should be rejected. But this argument went too far; for in the present circumstances of Europe and the country, he could hardly conceive any public measure that would not be accompanied with difficulties. It was also said, that the subject lately under the discussion of the House, was one which admitted of variation, from time to time, which made voting by proxy inapplicable. He perceived no such consequence. He could not help thinking, that on a former night, there was a very improper assumption of power; and that the Resolutions, as then sent down to the Commons, were not those of the Peers of the Realm, but only of a part.

The Duke of Norfolk denied that the privilege of voting by Proxies was a right inherent in the Peers. This was proved by their not exercising it in judicial matters. The precedent of 1788 was the only one in our history similar to the present; and on that occasion proxies were neither used nor attempted to be used.

Lord Stanhope expressed his determination to vote for the motion of adjournment; not that he shrunk from the discussion, but because it was one mode of rejecting the Resolutions of the noble and learned lord. That noble lord (Eldon) must excuse him, when he said that out of his own mouth he would convict him. He would shew that he had refuted every argument that night advanced in favour of his Resolutions, by the very doctrine inserted in his Protest. In his Resolutions he spoke of inherent rights, whilst his Protest admitted the power of the House to limit, modify and controul the privilege of voting by Proxy. With respect to those Protests he must say, that amongst all the Dissentients, that to which the signature of Arden was affixed, was by far the wisest, because it very properly abstained from attempting to give any reason at all. But the Protest of the noble and learned Lord, if well founded, was the strongest censure on his Resolutions; whilst on the other hand, if his proposed Resolutions were correct, his late Protest was a mere mockery. Such of their lordships as were versed in Parliamentary history, must be aware that the House itself had felt it its duty to interfere against the abuse to

which this privilege led. When on an occasion a Peer came down with no less than seventeen Proxies in his pocket, had the noble and learned Lord ever read the standing orders on that subject, he would certainly have learned to restrain his zeal and mitigate his anxiety on this point. I observe (said Lord Stanhope) that the noble and learned Lord shakes his head, whilst his elbow is shook by another noble and learned lord (Redesdale) near him; no doubt the whisper is, "Look you here, Jack, when next we sign a Protest, we must go down early to the House and read it over together." —"Yes," answers Jack; (*A laugh*) "and with care and attention too; for if we do not, there is that logical fellow Stanhope in the House of Lords, who will read it publicly after us." (*A laugh.*) The noble and learned Lord, however, contended, that when the House met, it was as a constituent branch of the Parliament. He used the word Parliament just as it answered his object; and his application of the term, reminded him of the definition of what was called a pun. It was defined to be the taking of a word in two senses, when it was predicated of the one that which was meant of the other. A young woman, a neighbour of his in Kent, asked her lover, when discoursing on this point, once, to give her an example.—"Give me a subject," said her lover. "His Majesty," said the young woman, "His Majesty cannot be a subject," was the answer, and the pun. Similar was the interpretation put upon the term Parliament by the noble and learned Lord. But he would ask, if this privilege of voting by Proxy was an inherent right, why was it submitted to a Committee to investigate the nature of that right? The very appointment of that Committee proved at least that it was doubtful, and, when there was a doubt, who but the House could decide upon it? It had decided, and the decision of them had given the greatest satisfaction both in town and country. In some country village it was told him that soon after that decision, an honest Whig barber had put on his sign a placard, saying, "Whigs shaved here for a penny, and Tories for three-half-pence." When asked why he made the distinction, his reply was—That since the late memorable triumph of the Whig Lords against Proxies, the Tories had such long black muzzles that the operation of shaving them was rendered much more difficult. (*A laugh.*) To allow such a power on the late occasion, would have been attended with the most dangerous results to the Constitution. It would

establish the worst species of oligarchy—an oligarchy that neither listened or reasoned—an oligarchy of parchment and of paper.

The Lord Chancellor would not take up their Lordships' time by availing himself of the privilege of reply. A noble baron (Lord Moira) had observed, that he (Lord Eldon) came down clothed in his rusty armour, to discuss the question. The noble baron must have despised his adversary greatly indeed, when he ventured to grapple with him without any armour at all. He would leave it to the House, after what they had seen and heard that night, to decide whether its proceedings were likely to be more decorous when votes were given in person, or by proxy.

The House divided on Lord Moira's amendment:

Contents	68	Non-Contents	67
Proxies	27	Proxies - -	26
	95		93

Majority Two against Ministers. Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, JANUARY 23.

A Petition was presented from Mr. Robert Palmer, which was referred to a Committee.

Mr. Sheridan said he held in his hand a Petition from the burgesses and inhabitants of the very ancient and respectable town of Lewes, in Sussex, against the restrictions proposed to be imposed upon the Regent. He hoped it was not yet too late to submit this Petition. It had been intended to be presented by Lord Francis Osborne, but he having been obliged to leave town, and the Members for the place being both confined by illness, the task devolved upon him. It was true, the language of the petition was couched in terms of strong indignation and reprobation of Ministers; but still he hoped, as it was not disrespectful to the House itself, it would be allowed to lie upon the table. He then brought up the Petition, which was read, and ordered to lie upon the table.

REGENCY BILL.

The *Chancellor of the Exchequer* moved the third reading of the Regency Bill.

Sir Thomas Turton rose for the purpose of making some objections to the title of the Bill. It was entitled a Bill for the purpose of assisting his Majesty, and this title was directly at variance with the preamble. He also objected to the clause respecting the Household, and thought the omission in that clause of the word "portion" would be expedient. He again declared his intention, upon the institution of the second commission for the passing of this Bill into a law, to offer some amendments.

Mr George Johnstone could not avoid trespassing upon the House for a short time, in order to state several objections to which he thought this Bill was liable. In the first place, he objected strongly to the clause respecting the limitations. He objected also to the clause which went to vest 40,000*l.* in trust out of the Privy Purse. In his opinion, notwithstanding the great length of discussion which this Bill had undergone, many gentlemen in that House were, most likely, and the public at large were, most certainly ignorant of the vast extent of patronage which it went to vest in the hands of her Majesty. He ventured to state this supposition, because it was not without great labour and much investigation that he had himself discovered it. The patronage of the Household involved, in the House of Peers, no less than twenty-five officers in his Majesty's Household, and four officers in that of her Majesty's. In the House of Commons, also, there were seven officers in the King's, and one in the Queen's Household; making, in the aggregate of their salaries, 30,000*l.*: added to which, there was a sum of not less than 70,000*l.* vested by this Bill, free and uncontrouled in the hands of her Majesty. There were many subordinate situations in the Household, the salaries of which, and he stated it from authority, amounted to 7, 12, 15, and 180*l.* per annum, and there was one hundred and fifty places of this description. Was it, he would ask, constitutional to abstract such a mass of patronage from the Executive, and place it in the hands of those who might possibly choose to start up an opposition, and incumber the government? He was very ready to acquit the right honourable gentleman below him of acting upon any selfish view, and he thought that the delicate proceeding of the House on this occasion ought to endear it to the country at large. What he had enumerated, it ought to be observed, did not include the entire expenditure of the Household. There were, in the departments of the Steward of the Bed-chamber and the

Master of the Horse, more to the amount of two hundred and ten thousand pounds. To be sure, by Mr. Burke's Bill, this was in some degree placed under the controul of the Treasury; but it should be observed, that even by that Bill, this controul did not commence until after the disbursement of a certain sum. He doubted much, however, whether this controul was not by the provisions of the present Bill taken out of the hands of the Treasury, and placed in those of the Queen. There was no saying but that some undue advantage might be taken of this: he did not say that it would, but still it was in the scope of possibilities, and it was the business of Parliament to guard even against possibilities. It was said, that this great extent of patronage had been left untouched, in order to facilitate, where it was proper, the return of his Majesty to power. By the provisions of this Bill, however, it was utterly out of the question, that any obstruction should be offered to such a contingency. It was then said, that since these officers were not removable by the Queen, the patronage was thereby taken out of her hands. This he begged leave to deny; but even if it was the case, he did not think that for such trivial circumstances Parliament ought to have recourse to such a novel and unconstitutional mode of proceeding. Let the House observe, then, that they were about to give to the Queen a power over twenty-two seats in the Lords, and nine in the Commons; and they were also about to deprive the Regent of the Royal splendour, in order to place it round a sick bed. It was, however, impossible, that they should not give to the Regent a greatness and a state adequate to his station: it was impossible that they could think of depriving the fountain of honour and royalty of that pomp which was accustomed to dignify it. If they meant to take so impolitic a step, it would be necessary to create a new establishment for the Regent, to the amount of 100,000*l*. Why should not the country be saved this expence? and it might be saved them by allotting to the Regent the officers of his father. This would, in his mind, preserve the government from confusion, and give to the Executive that power which was natural and necessary to it.

Mr. Lambe did not rise, at so late a stage of the Bill, for the purpose of going into the objections to it at any length, but he could not help most seriously protesting both against the delay which had been practised, against the provisions of which it was composed, and against the modesty which

it was introduced. He thought it in some degree incumbent on him to say so much, in order to prove, that though he had voted for some modifications of the restrictions, he had by no means given up his original opinion, namely, that there never ought to have been any restriction at all imposed. (*Hear! hear!*) It had been said that this Bill rested upon that of 1788, but the Bill of 1788 was in its day novel and contrary to every former precedent. The ground for this innovation was expediency. Now, certainly, if in 1788 the expediency was so pressing as to frame a Bill against all precedent, he was sure there was an equal expediency now to warrant us in rejecting the unconstitutional precedent of that day. (*Hear, hear!*) It was not only unconstitutional, but in his opinion it was utterly unjust in the two Houses of Parliament to dispense with or suspend the fundamental prerogatives of the Crown without the consent of the King, in his health, and seated on his Throne.

Mr. Adam did not intend to speak to the general clauses or principle of the Bill itself, but rose for the purpose of giving his sentiments on a subject which had been lately introduced. He alluded to the institution of a Secret Committee to inquire into the state and charges upon the privy purse. He had been nominated by the right honourable gentleman opposite, a member of that Committee; but he had not thought it fit for him, holding as he had the honour to do, a high official situation under his royal highness the Prince of Wales, to attend the proceedings of a Committee on such a subject. He was sure, indeed, there was no subject upon which both his Royal Highness and the remaining Princes had a greater delicacy; and he was sure, from the communication of the right honourable gentleman opposite, to his Royal Highness, that the Prince could have no idea, or at least no opportunity of knowing, that the affairs of the privy purse were to be taken under consideration. The hon. and learned Member here read the following passage of Mr. Perceval's letter to the Prince, dated the 19th of December:—

"That such personal property of his Majesty as may not now be vested in Trustees for his Majesty's use, should be vested in Trustees to be appointed by the Bill; that her Majesty, the Prince, and certain other persons, should be the Trustees: and that the trust should be subject to his Majesty's dispositions, by deed or will; and in the event of the demise without will, his property should be subject to be distributed according to law."

Mr. Adam then stated, that these expressions could not be considered as having any reference to the Privy Purse; if they had, his royal highness the Prince who felt most anxiously upon the delicacy due to his Majesty on that subject, would certainly have expressed himself upon it in his answer; but on the perusal of the answer, dated the 20th December, it would be seen that nothing was to be found concerning it. The Prince's answer he stated to be as follows:—

"The Prince acknowledges the receipt of Mr. Perceval's detailed statement of those measures which Mr. Perceval informs him his Majesty's confidential servants have decided to submit to the Lords and Commons now assembled, as the means of providing for the exercise of the Royal authority, should the King's indisposition unhappily be protracted.

"The Prince, though fully sensible of the attention of that early communication, cannot but in some degree feel embarrassed by it, inasmuch as it rests not with him to judge, nor does he deem himself entitled to assume, how far the wisdom of the two Houses of Parliament may think it advisable for the public welfare to adopt the plan communicated by Mr. Perceval. Were it not for this difficulty, the Prince would refer Mr. Perceval to the Prince's answer to Mr. Pitt's letter on the 30th December 1788; that letter containing the outlines of the plan intended then to be acted upon by his Majesty's confidential servants. But the Prince thinks it essential to observe, that that communication was not made by Mr. Pitt, till after the two Houses of Parliament had come to certain Resolutions, as the ground-work of that plan. That answer remains on record; and as the sentiments contained in it were founded on a solemn contemplation of the principles of the British Constitution, as well as in an earnest desire to be able, conscientiously, to discharge the functions of government, on behalf of his beloved and revered Father and Sovereign, in such a manner as might best satisfy his Majesty's well-known and constant anxiety for the advantage and honour of his people, the Prince has only to declare, that these principles admit of no change.

"The Prince cannot conclude without expressing his deep affliction at the melancholy event which has rendered this communication from Mr. Perceval necessary; and without declaring, that it will be the happiest moment of the Prince's life to be enabled, by the restoration of his Majesty's health, instantly to deposit at his feet those powers and

interests unimpaired, which the Constitution has presumed to be inseparable from the exercise of the Royal authority."

Mr. Giles expressed his strong objections to the clause respecting the Household. He also objected *in toto* to the clauses of the Bill, because they were at variance with the Resolutions. He confessed his surprise at seeing some honourable gentlemen, and, among others, the members for Yorkshire, who had agreed in the Resolutions, content to give so very little patronage to the Regent. He wished to know from the Chancellor of the Exchequer, whether the exceptions in the Bill were to be taken as individual exceptions, or whether they were to be taken as exceptions of establishment? It was not right for the House to leave the Vice-Chamberlain under the patronage of the Queen, because they in fact thereby nominated the Chamberlain themselves. They did not allow the Queen to nominate, nor did they allow the Regent to nominate, but they left the Vice-Chamberlain to act, thereby devolving on him the duties of the Superior, whose office was vacant, and so, in fact, electing him, *pro tempore*, Chamberlain. He intended hereafter to move an amendment, leaving out this entire clause. He could not consider, with all the private respect which he had for the Chancellor of the Exchequer, this proceeding in any other light than as an attempt to secure to himself parliamentary influence, when he was no longer in office; but this was a species of political tactics, which he hoped the House would penetrate and frustrate.

Mr. Sheridan had intended to rise immediately after his honourable and learned friend (Mr. Adam), who had spoken a short time since, had not the honourable gentleman, who just sat down, anticipated him. He rose now for the purpose of declaring his perfect concurrence in every thing which had fallen from his learned friend. Like him, he had been appointed a member of the Secret Committee; but that appointment had taken place in his absence, and he had no hesitation in saying, that had he been present, he should have immediately moved to have his name withdrawn. When he said this, he meant it to be understood that he spoke simply as a Member of Parliament. As such, he should have opposed his becoming a member of a Secret Committee, to scrutinize into the state of the Privy Purse, because he considered it to be the most indecorous act throughout this most indelicate and indecent transac-

tion. The right honourable gentleman had stated his fear of the effect which the absence of his Majesty's old servants might have upon the mind of his Majesty on his recovery. This might be very plausible, if his Majesty was to arise on some morning quite refreshed and suddenly recovered; but as that was not to be expected, as his reinstatement must be gradual, and his convalescence slow and progressive, it was to be supposed that he would occasionally inquire as to what was going on about him, and that there was little danger of a relapse from the suddenness of the intelligence. But if such was the sensibility of the King, what would he not feel on hearing that his Privy Purse had been made the theme of investigation; that his benevolence had been canvassed—his charities debated—and his most tender and sacred impulses exposed and questioned? *(Hear!)* The Chancellor of the Exchequer (said Mr. S.) has paid me a most unexpected compliment, for which I must not omit to thank him. He has thought proper to quote some of my verses; and really, from the emphasis with which he recited, and the gesticulation with which he accompanied them, I am put quite in conceit with the composition. *(A laugh.)* In the enthusiasm of his delivery, indeed, he seemed totally to forget that what he chose to recite had nothing whatever to say to the subject. *(Hear!) hear!)* So that I, the author, have a right to express my double gratitude, first, for his thinking of me at all, and next, for making a gratuitous donation, which it was totally impossible for any human ingenuity to apply. *(Hear! hear! hear!)* But the right honourable gentleman was ready with an answer to every objection—it was *necessary*. Necessity made me usurp the prerogatives of the Crown—necessity made me infringe the principles of the Constitution—necessity made me commit a *parliamentary burglary* upon the purse of the Treasury. But was it necessity which made him expose the charities of his Monarch? Was it necessity which compelled him to withhold from the Duke of York, or any of the other Princes, the inspection of their Father's benevolent actions? Was it necessity which reduced him to subject the modest and most retiring transactions of the heart, to the overhauling of a Committee of the House of Commons?

The Chancellor of the Exchequer allowed fully the delicacy of the subject; and rose for the purpose of stating to the House what had induced him to adopt a proceeding

which appeared so much out of the ordinary course. In the year 1788, it appeared necessary to vest in the Queen 4000*l.* to be applied to purposes to which she knew had the King been in health, he would have applied them; and also to seclude 12,000*l.* more, in order to make payments from the Privy Purse, which were allowed to be important. This amounted altogether to a sum making 16,000*l.*, and even the appropriation of this sum by Mr. Pitt, was viewed with jealousy by the Parliament of that day. Now it had appeared, that in the interval between 1788 and the present period, those payments of his Majesty had increased to double 16,000*l.* If, then, the appropriation of 16,000*l.* had been viewed with jealousy in 1788, it certainly was natural to infer, that vesting double the sum in the hands of the Queen, would be met by a corresponding jealousy now. He did not allude to the right honourable gentleman opposite (Mr. Sheridan), for he was sure no such sentiment could enter into his mind. (*Hear, hear!*) Weighing then, as he did, between the comparative evil of suspending the payments, or appointing the Committee, he thought the latter the most eligible alternative. In the nomination of the gentleman who was most ostensibly opposed to him in that House (Mr. Ponsonby), of Mr. Sheridan himself, and of Mr. Adam, the Prince's Chancellor, he thought he had secured, as it were, a representative of that delicacy which was so essential on such an occasion. The Committee had never swerved from that delicacy; and so minute were they, that they even would not inquire, during the investigation, into the names of the objects of his Majesty's bounty. (*Hear, hear!*) Was the King himself present, not a question had been put which could have pained his feelings. By the proceedings of that Committee, the extent of the King's bounty could not be known, because it was impossible to say what donations might have been given in private, or what personally by the Sovereign. He had acted, however, as he had thought right, and made the most painful, but at the same time the best exercise of his judgment. In his letter to the Prince of Wales, upon consideration, he allowed that he had made use of too general an expression; but he had done so under the idea that a great difference would at once appear between the King's personal property, and what might in some sense be

formed his pocket money. He had felt it incumbent on him to make the communication in this instance, because he had heard, on a former occasion, that his Royal Highness had taken offence at the disposition of the Royal property. With respect to the objection which an honourable Baronet (Sir Thomas Tarton) had made as to the difference between the title and the preamble of the Bill, it fell to the ground at once upon considering the nature of the Bill, which was in reality framed in order to assist the Crown.—To the second objection he had no difficulty in acceding, and was content, in a future stage of the Bill, to omit the word "portion," and then let the remainder of the clause continue with the exceptions. An honourable gentleman behind him (Mr. G. Johnstone) had begun as if he wished to imprint upon the House that there were twenty-five officers in the House of Lords subjected to the controul of his Majesty; but he had thought proper afterwards to reduce his calculation down to seventeen. He did not deny that seventeen were too many to be adapted to such a purpose, if it was so; but it really was not the case; for these officers were independent of the Queen, as they were not removable at her pleasure. As to the question put to him by an honourable member opposite (Mr. Giles), he had to answer, that he was ready to admit within the exceptions the departments of the Yeomanry and the Pensioners, and, in short, all the rest, except that of the Chamberlain. That department was not given to the Vice-Chamberlain, as there was a clause in the Bill which prevented any officer in the Household from appointing any subordinate officer, save during his Majesty's pleasure. Now that he had done this objection away, he hoped the honourable gentleman would lay aside the notion, that he had acted on the principle of Parliamentary tactics, which should secure him influence when he might not happen to be in office. *(Here Mr. Whitbread laughed.)* He observed, that there was an honourable gentleman opposite who put little faith in his assertions; but on every important occasion he had been so little in the habit of receiving that gentleman's acquiescence to his doctrines, that his scepticism did not surprise him now. With respect to the vacancy in the Household of the office of Chamberlain, he had only to say, that the reason of its not being filled up was, that it was not considered respectful to his Majesty to introduce any new officer

into his Household, without his own special appointment. (*Hear, hear!*)

Mr. Wilberforce said, that on a former occasion he had distinctly stated, that his grand objections were on a constitutional ground. He had expressed his wish, that every thing should be granted to the Regent which was necessary for his station; but that every thing should be reserved for the Queen which was necessary for a due regard to his Majesty's feelings. He was sure, that the most doubtful point which his right honourable friend, now no more (Mr. Pitt), found in the consideration of the subject in 1788, was to reconcile what was due to the feelings of the Sovereign with the idea of not creating a new influence, which might be turned against the Personage at the head of the Executive Power. He frankly confessed, that he would have wished that something more could have been given to the Regent; but he did not think the difference between what he would have wished, and the plan brought forward by his right honourable friend (Mr. Perceval), was so great as to make it necessary for him to oppose the Bill. As to those persons who were now irremovable, instead of conceiving that an influence given to the present Ministers, he thought it would rather bear the other way, as expectation was generally a stronger feeling than gratitude. It might naturally be supposed, that the fear of being displaced would be a motive fully as powerful as gratitude for the appointment, if the persons enjoying those offices could be influenced in their public conduct by private considerations. He certainly did, originally, hope that more would have been given to the Regent; and he laughed as heartily as other gentlemen, at the facetious observations made about the buck-hounds. This was very good *fun*; but when the thing was examined seriously, it would not appear delicate to be very anxious in finding out whatever could be pared from the establishment of the Household which was to be put under the controul of her Majesty. As to the Privy Purse, care had already been taken that it should not be applied in payments to Members of Parliament. His right honourable friend, now no more (Mr. Pitt), had done himself immortal honour by his conduct on the question of 1788; perhaps no circumstance in his political life did him more honour. It was therefore natural to suppose his right honourable friend (Mr. Perceval) would follow such a precedent. In his manner of following it he had shewn so

much ability in conceiving, and talent in executing, that he had shewn himself worthy the high place which he filled, and the affection and esteem he enjoyed. He had adopted the principle of the precedent, but he had made judicious alterations as applicable to the present times. The great alteration was in limiting the period of the restrictions to one year. Most of the arguments against the Bill of his right honourable friend (Mr. Perceval), seemed to rest upon the idea, (which, however, was not avowed) that the Prince had a claim of right to the Regency. In this idea he could by no means join; and it was his firm opinion, that in any future emergency of a similar nature, the two Houses of Parliament should provide for supplying the Royal Authority according to the principle laid down in the precedent of 1788.

The Chancellor of the Exchequer brought up an additional clause, for preventing the great officers, who were themselves irremovable, from appointing to any offices for any other period than during his Majesty's pleasure.

This clause was agreed to; and some verbal amendments made by other members were negatived.

The Bill was then read a third time, passed, and ordered to the Lords.—Adjourned to Monday.

HOUSE OF LORDS.

FRIDAY, JANUARY 25.

REGENCY BILL.

The Earl of Liverpool rose, and moved the order of the day for their Lordships going into the Committee on the Regency Bill. The motion being put from the Woolsack, was agreed to, *nem. diss.*

Lord Walsingham having taken the Chair, the Clerk, on the motion of the Earl of Liverpool, proceeded to read over the Bill, clause by clause.

Some conversation took place on a clause respecting the terms in which the extent of the exercise of the Regent's power was expressed, as, "according to the laws and constitution of the United Kingdom of Great Britain and Ireland, and the dominions of his Majesty," to which Lord Grenville offered a verbal amendment. Some conversation ensued,

in which Lords Eldon, Auckland, and Redesdale, took part, and the clause was passed; a part of the amendments suggested being, as we understood, deferred to a future stage of the Bill.

The Clerk went on reading clauses, which were agreed to, till he came to that clause, enacting the manner in which the signature of the Regent was to be affixed to the public instruments. The initials G.P.R. were enacted by the clause.

Lord Grenville said, he had an amendment to move to this clause, because the form prescribed was of general application, whereas it was the established custom for the King to sign in certain cases simply G.R.; but in other, and more important ones to sign his Christian name at full length, George R. His Lordship therefore proposed as an amendment, that the Regent's signature should be given "George P. R." in all cases except those in which the King's signature was given only in the initials G. R. [To this Amendment the Lord Chancellor stated that he did not mean to make any objection: his Lordship mentioned several cases in which the Royal Signature was differently written.]

Lord Ellenborough suggested the propriety of leaving the mode of signature at the election of the Regent, and mentioned the awkwardness that might occur by an unintentional deviation from the mode prescribed, in consequence of a positive enactment.

The Earl of Liverpool coincided in the observations that had fallen from the Lord Chancellor, observing, that as they were making legislative enactments on the subject, though there was no reason for serious apprehensions on the subject, yet it was expedient to make every proper regulation.

The Lord Chancellor declared, that he entertained no apprehensions on this point. But with respect to the accustomed modes of signature used by his Majesty, he should say, if asked, what would be his own conduct, if he received the signature from the King, of G. R. to any instrument to which it was his Majesty's custom to sign George R.; to that he should say, that he should feel it to be his duty, on the first occasion on which he had the honour of access to the King, to represent to his Majesty, in the most respectful manner, that his Royal Signature had been given to such instrument or warrant in a mode different from his

usual Royal custom. To this respectful mention of the circumstance he should add his humble advice to his Sovereign, in favour of an adherence to the Royal practice. If asked what he should do, should the Sovereign decline putting the signature in the way he humbly advised, he must receive his Majesty's signature; but what he should do on such an occasion, he must decline to say a word upon. He had, indeed, no experience to guide him on such a subject.

After some further conversation, Lord Grenville's Amendment was agreed to.

Several other clauses were read, and passed *nem. diss.*: till the Clerk read a clause, in which there was a reference to the time to which the limitations and restrictions on the Regent were to be confined.

Lord Grenville then rose again, and recalled to their lordships recollection, the opinions he had expressed upon a former occasion respecting the duration of the limitations, as then stated by Ministers to be their intention to propose in the Committee on the Regency Bill, when such Bill should come before their lordships. That period of duration had been proposed in the other House, and had come up to their lordships in the Bill then before them in the Committee. He then adverted to the case of the Bill of 1788-9, in which the period of the limitations and restrictions was undefined. That was, in his Lordship's judgment, quite proper at that time, because then they were without any sufficient knowledge of the nature of his Majesty's unfortunate malady, and could form no general idea as to the probable period of his Majesty's recovery. Unhappy experience had, however, since that period, put them in possession of much more light on that subject. The evidence which he had heard from the physicians, and which was in print, joined to that experience, pointed out the probable period of recovery, at a time, to which the proposed duration of the limitations did not, in his judgment, refer. The longest time during which his Majesty had been similarly afflicted did not extend beyond five months, and his Majesty's subsequent afflictions of that nature had lasted for shorter periods. It therefore appeared to him that a shorter duration of the limitations and restrictions was desirable, and was founded on that view of this unfortunate case, which was grounded upon experience, as well as on every other view of the question. He should, however, say,

that it was not his intention, in the amendment he meant to propose, to reckon the duration of the limitations from an earlier period of his Majesty's present indisposition, which was his first intention; but to move that the word "February" be struck out, and the word "August" inserted in its place. It was not his intention, at that moment, to enter into a discussion at any length upon this point, or to divide the House upon it, as there were future stages of the Bill, upon which he should certainly move it, and take the sense of the House upon it. He should content himself with moving, that the period of the limitations and restrictions should be fixed for six months instead of twelve months, to be counted from the probable period of the passing of the present Bill.

The Lord Chancellor said that he never felt himself more relieved from the pressure of a burden upon his mind, than when he heard from a noble Lord, who was so high an authority in that House, that he had given up what he had stated to be his original intention of moving his amendment on the limitations, for six months duration, counting from the early period of the first of November.

Earl Grey said, that he should certainly on a future stage of the Bill, when his noble friend (Lord Grenville) came to move his amendment, give it his support. At the same time, he should reserve to himself the right of opposing, *in toto*, the principle of restrictions on the Regent's exercise of the Royal prerogative—a principle which he ever had, and still did think contrary to the nature and analogies of our Constitution—contrary to the dignity and best interests of the Throne—and contrary to the interests of the people, for whose benefit these prerogatives were vested in the Executive power, which was a trust for the public, and could not, without public detriment, be infringed upon or impaired. Those being his decided opinions, he should not refuse, if restrictions there were to be, his support to any practicable measure by which the period of their duration could be shortened.

Lord Viscount Sidmouth expressed his astonishment at his noble friend's wishing to shorten the period of the limitations. He was convinced, from the examination of the physicians, that the conclusion to be drawn was very different from that which was deduced by his noble friend. Whenever the question came under the discussion of the House, he thought he should be able, not meaning to be presumptuous,

to convince their lordships of the impropriety of reducing the period, as was proposed, to so short a limitation as six months.

The Lord Chancellor observed, that in what he said on this subject to the House, he was speaking merely individually: but he must seriously put it to every noble lord, that the question as to the period of the limitations was a point in this discussion of the most material consideration.

The clause passed.

Several other clauses were then read by the Clerk, and agreed to, *nem. dis.*

The clause with regard to the Royal Household was next read, as the blanks had been filled up by the House of Commons.

The Marquis of Lansdowne said, he entertained very little doubt that this clause, as it now stood, could not receive the concurrence of their Lordships, but must be rejected, both from a regard to the consistency of their proceedings, and the honour of their House. None of their Lordships could have contemplated that the Resolution they had come to on this subject on a former night, could have been thus carried into effect; for while the outward form of that Resolution was retained, under the cloak of it the very reverse was attempted to be introduced. Of this clause, it might be truly said, that "the hand was the hand of Esau, but the voice was the voice of Jacob;" one object was pretended, but another was endeavoured to be accomplished. What was the mode of carrying the original Resolution into effect? Why, it was by attaching only a small and insignificant portion of the Household to the person of the Regent, while the whole mass of offices that were connected with the dignity and splendour of the Government was detached and separated from the Executive Magistrate. Though defeated on the principle, yet Ministers had sought refuge in the obscurity of detail, and thought to accomplish all their objects in the enumeration of particulars. He would call upon their Lordships to look at the office of Master of the Horse. Could it by any possibility become useful to his Majesty, or add to his comfort in his melancholy situation? Let them look also at the high office of Lord Chamberlain, and see whether a similar observation was not applicable to it. But it was said, that the subordinate offices under the Lord Chamberlain were necessary to the comfort of his

Majesty; and the conclusion drawn from this was, that the office of Lord Chamberlain could be dispensed with for a whole twelvemonth. Nothing could be more unconstitutional than such doctrine. These great offices of state, whatever might be their original destination, were not now of any personal utility to the King; and their great object was to add a becoming splendour to the Throne, such as might inspire respect, and was befitting the government of a great nation. On this clear principle, they ought never to be detached from the Executive Magistrate. As the clause was now worded, their Lordships would find, that even in the event of a new reign taking place within the time to which the duration of the Bill was limited, there was no possibility of filling up any of these offices as they became vacant.

He had fundamental objections to the clause as it now stood. But still he was ready to allow, that he had a strong sense of the difficulties, the due arrangement and appropriation of the different offices of the Household. No man was more forward to admit that Majesty, even in its eclipse, should be Majesty, still; and that the sanctuary of retirement, where the King sought a temporary refuge, should be surrounded by Ministers, not only distinguished by the situations which they held, but by the dignity and importance of their personal character. (*Hear! hear!*) But their Lordships were by no means to apply this principle to such officers as the Lord-Chamberlain and the Master of the Horse, who were not in the habit of approaching his Majesty in the domestic circle, but whose services were reserved for purposes of state. Such officers as these enjoyed the least of personal intercourse with his Majesty, at least in their official capacity; and yet, by a strange contradiction, it was proposed to transfer those officers who had the most of it to the Prince of Wales, while those were to be withheld which were the decoration of the Executive Government.

Difficulties certainly existed; but the House had encountered and mastered great difficulties of late. They had assumed the powers of the Constitution; and yet they were now to be told that they could not meet and overcome this difficulty of arrangement and detail. The mode which he should propose, would be to leave it to be enacted by a subsequent Bill, in what particular mode the Royal Household should be divided; and that in the mean time, neither

the Queen nor the Regent should have the power of making any alteration in the state of the Household. Parliament would thus be afforded an opportunity of more mature deliberation, of considering what offices should be detached from his Majesty, and which should remain; what portion of them was necessary to the personal comfort of the King, and what to the splendour and dignity of the Crown. The noble lord concluded with moving an Amendment, which was, that certain words should be omitted, and others inserted in their room; the purport of which was "that the sole direction of the Household should be committed to the Queen's most excellent Majesty—that in the mean time no removal should take place nor vacancy be filled up—and that Parliament will in a future Bill proceed to enact what portion of the Household should be appropriated to the dignity and comfort of his Majesty's person."

The Earl of Liverpool rose in reply. He declared, that it was his wish, and that of those with whom he acted, that the Bill should be introduced with only a few specific limitations; but that with regard to the point which respected the Royal Household, it was better to leave the matter open to the discussion and final settlement of Parliament. On this ground the blanks were left in the clause, and no fewer than five or six different modes of filling them up had been started; in consequence of which the two Houses were unavoidably involved in considerable difficulty. But the noble Marquis had called upon their Lordships to declare nothing precise on the subject of the Household, to leave the door open for another Bill, and adjourn the consideration of a question which so materially affected the Regency about to be established, to a future period. He trusted, however, that this determination would not be adopted. He could have wished, indeed, that as the Bill was to expire in a twelvemonth, the principle of 1789 had been followed as to the Household, and that it had been left entirely to her Majesty during the continuance of the Act, which was only for a limited time. But to this plan two objections had been started; first, that it went to strip the Regent of his dignity and of his influence; and 2dly, that it vested that influence in some other quarter where it might be turned against his administration. These considerations appeared to have influenced the other House of Parliament; and here he must say, that the present was a question to be tried and decided on public

principles alone, and not with a view to the personages themselves who were more immediately involved in it. It was the duty of the Legislature to look at them, as attended with the ordinary infirmities of human nature, and to form the provisions of the Bill accordingly.

The noble Marquis had asserted, that the offices which were placed by the clause under the direction of her Majesty, were unnecessary to the dignity and the comfort of his Majesty. He (lord L.), and those who thought with him, said that they were necessary; and that they were so mixed up with all the details of the household economy of his Majesty, that they could not be separated with propriety from his person. They formed part of one great system, wisely established for the dignity and splendour of the Throne, and could not be separated without undertaking that which it was neither proper nor decorous to adopt. The great difference between the present measure and that of 1789, was, that the restrictions were now to be limited in point of duration, whereas formerly no limit was specified; and yet it was even then understood, that the whole Bill was to expire when there was reason to fear a disappointment in the hopes of his Majesty's recovery. At present there was every reason to believe that the King's indisposition would be but temporary: accordingly Parliament proceeded upon that principle, and all the stipulations contained in the Bill were only with a view to meet a temporary difficulty. Let these considerations be applied to the Household. Surely the last thing that their Lordships would wish to touch or to alter was the Household of his Majesty, while flattering hopes were entertained of speedy convalescence. He would appeal to their Lordships' feelings, to those which must naturally arise in their own minds in regard to their own domestic economy, whether such alterations would not carry with them a degree of objection and indelicacy that was applicable to no other part of the Bill. But it might be said, was not the communication to his Majesty of disaster and defeat attending our arms—of the loss of ships or islands—much more likely to affect the Royal mind than changes and alterations in his domestic establishment? Were any of their Lordships, however, so ignorant of the human mind, as not to know that circumstances of the latter nature to which he had alluded, made often a more powerful impression than others more remote, even though of great importance in themselves? Let any

one suppose himself to have remained for a time in a dream, and that on awaking he found all those persons removed to whom he had felt attachment; such a circumstance must naturally produce a most disagreeable impression. The very separation of the King from the general intercourse of the world rendered him more liable to be affected in the way he had described than a private individual: and all he (lord L.) had to ask, was, to let things remain as they were for the short period of a year, at the end of which the Bill expired, and no new arrangement could be made without the express consent of the Regent himself. He would call upon their Lordships not to alter the Constitution of the Household, till they knew that there existed a necessity for it. Looking to this as an arrangement to last only for one year, he should certainly support the clause.

Earl Grey rose to support the Amendment of his noble friend. He would call upon their Lordships to look at the principles laid down in their own Resolutions; and, on comparing them with the present clause, they would find that it contained a complete dereliction of those principles, and nothing less than a breach of faith with their Lordships' House of Parliament. The amount of the whole was, that the noble lords opposite sought to evade the spirit of the Resolutions: they entertained one opinion, and the House another; and had endeavoured to establish their own in opposition to that of their Lordships. The principle of the Resolutions was simply this, that while such portion of the Household as was necessary to the comfort of his Majesty should still surround his person, there should not be separated from the Regent those offices more immediately connected with the dignity of the Crown;—and a principle more plain than this, he could not imagine. His Lordship here read the words of the Resolution, observing, that though he had not been present at the discussion, yet from the plain meaning of the words, and from that kind of information respecting the discussion which was open to the world, it was obvious it could not be intended that a large portion of the Household should be placed under the direction of her Majesty. Could their Lordships really have meant by the words, "such a portion of the Household as was necessary for the dignity and comfort of the King, &c." that the whole of it should be given, with only a very small exception? Was it meant that offices conferring great political power, and enjoying great political influence, should be

withdrawn from the Regent, and consigned to the direction of the Queen? Did their Lordships understand, by their Resolution, that the whole of the Household was to be taken from the Prince, with the exception of two offices that were comparatively paltry and insignificant? Was it in the sense now given, that the Resolutions were accepted by his Royal Highness, under the faith and understanding that the terms were to be faithfully executed? The clause was a complete departure from the terms accepted, and a scandalous breach of faith with his Royal Highness. Was it, he would ask, the fair interpretation of their Lordships' Resolution, that supposing the Household to be divided into forty-nine parts, (and that was about the number of the officers), forty-seven of these were to be given to the Queen, and only two to the Regent? And these two to be, the Captain of the Band of Pensioners, and the Captain of the Yeomen of the Guard! Why this was little else than mockery and insult. This was the candour and good faith that Parliament was to shew to the Head of the government! He called upon the learned Lord on the Woolsack, or the other learned Lord who sat opposite, to say, whether in any civil cause that came before them, they would sanction such a gross and manifest breach of contract? He would put the case of a man, who in his will should direct trustees to assign such a portion of his property as was necessary for the maintenance and comfort of his widow, and give the rest to his son and heir; and that these trustees should give forty-seven parts of the property to the widow, and only two to the heir;—would those learned Lords, sitting in a judicial capacity, sanction such a division? Would they say that the will of the testator had been duly complied with? He believed that the noble and learned Lord was conscientious in the performance of his judicial functions; and he now called upon him to perform his political duty, in a manner equally conscientious, and, should this Bill pass, to refuse to put the Great Seal to such a manifest breach of good faith. There was no inconsistency in what he was now saying, and the principles he had formerly stated. He had heard, indeed, that those very persons who had on former occasions argued that the power of the Crown was not too much, had so far deviated from their principles as to maintain on this occasion the necessity of that power being diminished, and not only diminished but divided. This was an inconsistency which he would leave

to those persons to defend: but whatever might be the degree of power vested in the Crown, it could not be taken from that branch of the Government, and put into other hands, without manifest inconvenience. It was triumphantly asked, whether the patronage of the Navy, the Army, the Church, and the long range of offices in the civil department, was not sufficient for carrying on the government? He hoped it might prove so; but with all this extent of patronage, something might still be wanting. It was necessary that the person in whom the Executive government was vested should have the power of directing all these for the people's good. Having said thus much on the partition of the Household as it affected the power of the Regent, he would say a few words as to that part of it which was intended to be vested in her Majesty. His great objection to this part of the arrangement was, that the influence of the portion of the Household which was thus *nominally* vested in her Majesty might be employed to obstruct the government of the Regent. Viewing the arrangement in this light, the original mode in which it was intended to dispose of it seemed less objectionable than that contained in the present clause. The arrangement of 1789 was less objectionable on constitutional grounds than what was now proposed. Let noble Lords well consider the clause as it was sent up to them, before they agreed to it. It provided that her Majesty should have the care of the King's person, and it gave her all the Household, with the exception of certain offices, the nomination to which it was proposed to vest in the Regent. But what were the conditions upon which this power over the Household, if power it could be called, was given to the Queen? Why, that the Lord Chamberlain, if there were one, the Master of the Horse, the Steward of the Household, the Groom of the Stole, and others, should hold their places, independent not only of the Regent, but of her Majesty. The Queen could not remove one of the heads of those important departments; nay, according to the wording of the clause, not even one of the subordinate officers. Her Majesty could not remove even a page in case of misconduct; nor could she resist the appointment of one of the inferior officers, however disagreeable it might be to her. What kind of controul was this? But that was not all. This part of the Bill not only made these persons permanent in their offices, and irremovable in case of misconduct, but it abolished, *pro*

tempore, one of the most important departments of the Household. The office of Lord Chamberlain was vacant. One would naturally suppose that it was meant to be filled up. No such thing. What was to be done with it, then? Was the influence of this great office to remain in abeyance during his Majesty's indisposition? No! The entire patronage of it was to be transferred to the Vice-Chamberlain, who was to hold it independent of the Queen, and independent of Parliament. The two Houses, in the spirit of the deviation from the strict practice of the Constitution which they acted upon on the present emergency, seemed to have taken upon themselves another function of Royalty. They had departed from their own doctrine of necessity, and gone beyond the principle upon which they originally professed to act. When the Resolution respecting the Household was brought forward, it was understood that her Majesty should retain such parts of it as were necessary for the comfort of the King; and that all which properly appertained to the state and splendour of the government should be given to the Regent. Was this the case? Was the clause now under consideration in the spirit of the original Resolution? In fact, her Majesty had only a nominal controul over the Household; the real influence was in the persons who originally appointed to the various offices under it. The clauses secured to those officers, a body owing their appointments to the present Ministers, their places for a certain period, and who consequently would feel themselves bound to act with them, whether the latter were in or out of office. The clause, as it now stood, was infinitely worse than in its original shape, for it gave the patronage of the Household from the Queen to Ministers: it placed under their influence, or that of their political adherents, places to the amount of 400,000*l.* a year. Upon these grounds he would not believe, until he saw it, that this clause could meet with the approbation of their Lordships. With respect to that part of the Bill, which provided for the resumption of the Royal Authority upon his Majesty's recovery, he would say that no one, not even any of the noble Lords on the other side of the House, would more sincerely rejoice at the arrival of that period: but before he could approve of that resumption, he must be convinced that the recovery was full and perfect; he must have other authority for that important fact than the mere putting of the Great Seal to a Commission in his

Majesty's name. He could not receive such a document as a decisive proof of his Majesty's recovery, when he considered what had taken place on two former occasions, when it was notorious the Great Seal had been employed, as if by his Majesty's command, at a time that he was under the care of a physician for a malady similar to that by which he was now afflicted. The noble and learned Lord must excuse him when he said, he must have better authority than his declaration for his Majesty's recovery. That important fact required to be substantiated in the most solemn manner; and nothing short of an examination of the physicians by their Lordships could afford that proof of it which would satisfy his mind. He would vote for the Amendment proposed by his noble friend.

The *Lord Chancellor*, rising under extreme agitation, said, that the Committee would excuse him for troubling them at that period of the debate: but he could not suffer the observations with which the noble Earl concluded his speech to pass without taking the earliest opportunity of replying to them. In answer to what had fallen from the noble Earl, he would now repeat what he had said upon another consideration of the subject before them; that he not only would not decline, but that he challenged the strictest inquiry into his conduct. The noble Earl might well have spared the observations that had fallen from him; but since he chose to allude to acts which he (Lord Eldon) had done in a conscientious discharge of his duty, he would tell that noble Lord, that he would rather have perished on a scaffold, than have withheld himself from any act of public duty he had performed. In what he had done upon the occasion alluded to, he acted under the solemnity of an oath, which prescribed that he was to act conscientiously, and to the best of his judgment. He felt himself superior to the uncalled-for imputation of the noble Lord. Until his country told him he had done wrong, he should feel satisfied with himself for his conduct on that occasion. No man had a right to charge him with criminality. He had long served a gracious Master most faithfully: he had done so in conjunction with some noble lords over the way, at the most critical moment that this country ever experienced. It was at a time when some of those noble lords were supporting him in the measures which he thought necessary for putting down those societies which aimed at the subversion of the government; and which measures other noble

lords, who were now sitting side by side with him, were obstructing by every means in their power, and ridiculing under the name of the "gagging bills." Strong as those measures were, they could not have effectually counteracted the pernicious and unconstitutional proceedings of those clubs and societies—from his conscience he believed that nothing could have saved the country at that momentous period, but the almost universal love and reverence of the people for the individual who filled the Throne. With respect to the transactions of 1802 and 1804, he would again say, that he challenged the strictest inquiry into them. The opinions of physicians, though entitled to great attention, were not to absolutely bind him. He was bound to act upon his oath, and to the best of his judgment. He had always done so, and he was ready to abide the consequences. There were no terrors for him of any inquiry that might be instituted into his official conduct. *Impavidum ferient ruinæ.* As to the daily scandal that was poured out against him, and which connected him with measures in which he had no concern, he would not condescend to reply to it. He would not ask the noble Earl to trust him. He would discharge his duty to his Sovereign conscientiously; and satisfied that he had done so, he should feel indifferent as to what might be said of him. [Here the noble lord uttered some sentences, but under such an oppression of feeling, that he was inaudible below the bar; but from the repeated cheering, they seemed to make a great impression upon the House.] It had been put to him, whether he would supersede a commission of lunacy against the opinion of physicians. He had often done so, and perhaps he might have been wrong in so doing; but he had acted upon his conscience, as he should always do in such cases. With respect to the clause of the Bill now under consideration, he would say, using an expression he had employed in a former debate, he did not know how to disquantity the train of the King. He was asked what he would do in the Court of Chancery, if the present clause, and the Resolution upon which it was founded, came before him? He would answer, that the Resolution was uncertain, and that the Court would have nothing to do with it. Now he would ask a question in his turn, and it was this: were there any two of the noble Lords on the other side of the House who were agreed as to what should be done upon the original Resolution? He had heard of several plans, four or five at least, all of which

were at variance. If he were asked for his plan, he would say that it was his sincere opinion that the whole of the Household ought to be given to her Majesty. He then spoke with the same tender regard to conscience that he would if he were acting in a judicial capacity. He would tell that House, he would tell every man who heard him, he would tell all his Majesty's subjects, that the last thing he would do in the Court in which he sat would be to remove from any man labouring under an affliction, such as had fallen upon his Majesty, those comforts becoming his condition, and to which he had been accustomed. "For myself," said the noble Lord, with extraordinary fervour and feeling, "let me but see my Sovereign well, and then let me depart in peace." He could not on this afflicting occasion take his heart out of his breast, and forget that his most gracious Master was a man. Let those who could do so, do it. He was not made of such impenetrable stuff: he had neither the nerve nor the apathy requisite for such an act of stern and unrelenting duty.

Before he sat down he must make his solemn protest against the principle upon which the proposed distribution of the patronage of the King's Household was argued. The principle was, that the government of the country could not be carried on, except upon a supposition the most unconstitutional, the most degrading, and he would even say, the most jacobinical, that was ever surmised by the most inveterate enemies of the Constitution. What! were their Lordships to be told that no Master of the Horse, no Groom of the Stole, no Steward of the Household, had the least consideration for the country; but that his vote in that House would be controuled and directed by those to whom they owed their respective appointments? "If this be the case," said his Lordship, "I have got at the end of my life into such company as I was never in at the beginning of it." Was he to act upon the supposition, that the noble persons he saw around him paid no attention to the interests of their country? If so, he believed he must abstract himself from all of them, and act for himself. But he could not believe that the noble persons about him, the descendants of those whose virtues and talents adorned the history of this great country, could be influenced by the vile motives which were ascribed to them. As to the Amendment proposed, he entirely disapproved of it. So much so, indeed, that if every one of their Lordships were to go below the bar to vote for it, he would feel it the proudest day of his life to stand alone, and

record his loyalty to his Sovereign by voting against it. He would put it to their Lordships as men, whether they could consent to an arrangement so humiliating to the Sovereign as that which would result from the amendment proposed. As to restriction, it should be recollected, that the King of this country was a limited monarch; and there could be no great objection, that the Prince, who was to succeed him in time, should be limited in his powers. The King, whatever his mental state might be, must be King until he descends into the grave. Their lordships, therefore, instead of diminishing the splendour that surrounds him, should preserve it in all its plenitude. He remembered, and with a satisfaction which would only terminate with his life, the part he had taken in the discussions of 1789. He would now act upon the same principles. His conduct upon that occasion had obtained the approbation of his gracious Master, as he trusted his conduct at the present crisis also would. He had no reason to change the opinion which he had given in a former debate respecting his Sovereign's recovery. Far from it: for, in addition to what he then said, he had now the satisfaction of stating to the House, "that the prospect of his Majesty's recovery was greatly increased by the view which was taken of his case, and the actual state in which he was."

The Earl of Clancarty then rose, and objected both to the clause and the amendment.

Lord Grenville said, that he should consider the question then before their Lordships not so much in reference to the proposed amendment, as to the immediate consideration whether the words now in the clause shall or shall not stand part of that clause: with respect to that part of the question he felt no difficulty, and as to the perplexity complained of by the noble Lord, he thought the course to be pursued by the noble Lord in either case to be according to his own shewing sufficiently obvious. If the noble Lord was of opinion that these words ought to stand part of the clause, he in that case would vote against the amendment; and on the question that these words remain, he would of course say content; but if he thought, as he understood the noble Lord to think, that those words ought not to remain, he, on the question being put that these words stand part of the clause, will say, not-content. With respect to an allusion made by the noble and learned Lord on the Woolsack, to the part taken by him (Lord Grenville) at the period of 1788, he

could assure that noble lord, that that moment had not yet arrived, and he believed never would arrive, in which he should, in the slightest degree, regret the part taken by him on that memorable occasion. The sentiments he there had on the subject of the Household governed him still. He then said what he now repeated, that they should surround the sick bed of Majesty with dignity; every possible provision should be made to secure to the Royal Person every comfort and convenience. The feelings which had in this respect operated upon his judgment at that period, he should be sorry that twenty-two years could have blunted; but when he formerly voted for vesting the Household in the Queen, he did it on the principle that her Majesty should be amply provided with the means of enforcing and upholding the authority to be vested in her—but here was one essential point of difference between the Bill then brought into Parliament, and that now before their Lordships—that in the former, such means were provided for the Queen; but in the present, as such means were withheld from her. If a Lord of the bed-chamber failed in the due discharge of his duty—should he even be guilty of negligence or indignity towards his Majesty, the Queen would have no power either of removing him, or supplying his place. He found the same restrictions extended to the exercise of her power, whether applied to the first Lord of the Household, or to the lowest menial attendant on his Majesty—so much then for the pathetic appeals with which their Lordships had been so vehemently assailed upon the plausible ground of consulting the personal convenience of his Majesty. There were, however, other considerations, and amongst them, that was not the least important which respected the Address sent by both Houses to the Prince of Wales, and to the Queen. Those noble lords who thought that the subsequent arrangements provided for by the Bill, with respect to the Household, did amount to a breach of faith with either the Prince or the Queen, could not be expected to vote in support of those arrangements, and as for those who had supported the measure of 1788, they could not therefore be called upon to support the Bill now before the House, especially in those points in which it was not only dissimilar to the former, but repugnant and contradictory to it; the regulations provided in each, respecting the Civil List, were materially different. In the Bill of 1788, a clause was inserted, expressly providing that the quarterly expenditure, during the King's illness,

should not exceed the amount of the expence of the former quarters previous to the illness of his Majesty, but in the present Bill he was not aware of any adequate provision for due responsibility in the expenditure of this part of the public money. He should say no more at present upon the Bill itself, but content himself with stating it as his opinion, that the clause now before their lordships was so inconsistent with their former Resolutions upon which they had grounded their address to the Queen, and to the Prince, that he should feel it to be his duty to vote that the clause shall not stand part of the Bill.

Lord Bedesdale dwelt upon the circumstance of the Resolutions having been carried in the absence of proxies, and therefore of course might be now dissented from by noble lords who were not present at the time. As to the question which was now to be put, he saw some difficulty as to form; because, if the original words of the clause were omitted, and the amendment also negatived, a blank must consequently remain in the Bill. If, however, the noble earl who moved the amendment would attend to a suggestion from him, most likely the difficulty might be obviated. He should propose to have the noble Earl's amendment put in this form, "that these words be here inserted." If that should be negatived, then the original clause would still remain liable to any future amendment which at the option of the Committee might be deemed desirable.

Earl Stanhope had intended to rise before the noble and learned Lord who had just sat down; he had, however given way to him, as he was curious to learn what he had to say. All he wanted was, it appeared, to suggest to his noble friend (Lord Lansdown), an amendment of his motion. If his noble friend took his advice, however, he would never heed the suggestion, and stick to his own motion. For my part, said Lord S. if I had a good motion which I wanted to have completely spoiled, I do not know in this House any one whose aid I should sooner call in that of the learned Lord (*A laugh*). As to the noble Lord sitting by the fire, who has suggested *this* modification on which he would join us, and *that* modification on which he would leave us, all I can say is, that if it come to a point of necessity, we shall be glad of his vote; but I hope, most sincerely, we shall not be driven to such an extremity, as not to be able to beat all our opponents without him. (*Hear, hear!*)

Lord Sidmouth said, that all the arguments which he had

heard this night in favour of the amendment, resolved into the deviation of the Bill from the Resolutions. He wanted to know what was intended to be conveyed to the understanding of the House, when that Resolution was adopted. The noble lords who persisted in maintaining this deviation could not agree in the sense to be given to the Resolution. The meaning which the noble Earl (Grey) attached to it, was different from that entertained by the noble Marquis (Lansdown). It was said that there has been a breach of faith with this and with the other House.—There has been no such breach of faith. It is impossible to say that a Resolution has not been adhered to, which is not specific, and which admits of the utmost latitude of interpretation. He wished that the proceedings of 1788 had been closely followed. Indeed all the inconveniencies which had arisen in the progress of the present measure, had their origin in the departure from the precedent of 1788. He thought that any division of the Household was improper. He was willing that all necessary and becoming splendour should be given to the Regent; but when he wished this, he could not give his consent to strip the King of his dignity. He wished that the Regent should be armed with all the ordinary power of the Government; but he did not wish that all power should be taken from that Illustrious Person to whom the care of the Sovereign was entrusted. He agreed, however, in the propriety of depriving her of the power of removal, that every objection of a Constitutional nature might be obviated. It had been stated by a noble Baron, that if you take away the power of removal, you subject your Sovereign to the chance of indecent treatment from persons whom you have no power over. He could not see the force of this objection. If any persons were so far to forget themselves as to behave irreverently or indecently in the presence of his Majesty, their attendance might be dispensed with, although a removal should not take place. It was impossible to conceive that any such persons would have the assurance to force their attendance on his Majesty contrary to the wishes of the person who had the direction of him. They were to recollect that the Sovereign still existed in his political capacity; and if it was not right, therefore, to take away from him any power but such as was necessary for carrying on the government; so, in like manner, it was not right to take away any of the dignity due to the Sovereign. The additional sum which might be found necessary for the splendour of

the Regent, was so inconsiderable, that it could be no object to the nation; its amount would not equal the fourth part of the expence which had been laid out in improving their Lordships' house—and would they hesitate to bestow this, and thus avoid the shame and disgrace of bereaving their Sovereign of his proper splendour and dignity? He wished to follow the precedent of 1788 closely, and to avoid making the contrast between 1788 and 1811 disgraceful to the latter. What had twenty-two years done, to lower the Sovereign in the eyes of the country? He entreated their lordships to spare their Sovereign the possibility of feeling a disappointment at their proceedings on his recovery; and to avoid departure from a precedent which did immortal honour to the person who had the merit of it. He should therefore give his vote for the rejection of the noble Marquiss's Amendment.

The Committee then divided on the clause.

Contents - - - -	96
Non-Contents - - -	108
Majority against Ministers -	12

The Committee then divided on the amendment of the Marquis of Lansdown, when the numbers were,

In favour of the Amendment -	107
Against it - - - -	97
Majority against Ministers -	10

On our being re-admitted, we found *Earl Grey* on his legs, concluding a speech in which he contended that the Privy Purse ought to have been left at the disposal of the Regent, as it was given for the purpose of encouraging arts and sciences, and it would therefore be withholding a power from the Regent which he ought to possess, and from the want of which much public inconvenience as well as great individual injury might be the consequence.

The Earl of Liverpool shortly contended, that investing the Privy Purse in any other hands than those of the Queen would be highly indelicate.

The Earl of Moira said, he must in some respects differ from his noble friend (Lord Grey) on this part of the Clause. The Privy Purse was applicable to private as well as public purposes; and it was perfectly well known that a very great part of the disbursements made from it were for acts of Royal benificence.—Adjourned to Monday.

HOUSE OF LORDS.

MONDAY, JAN. 28.

Earl Grosvenor rose to protest against receiving an appeal, conceiving that the House, in the present situation of affairs, ought to be limited by the necessity which called upon them to act, and that they ought not to enter into the consideration of any business, except the establishment of a Regent, until that Regency was rendered complete.—Upon this principle, had he been in the House on the day the Parliament was opened, he would have protested against the first reading of a Bill usually introduced upon the first day of every Session for the better regulation of Select Vestries, and have taken the sense of the House upon the question. He was aware, that in 1789 business was entered into under similar circumstances, and he was afraid the doing so was a fatal error in the proceedings of that period.—His lordship intimated his intention of entering a Protest on the Journals against their proceeding to any other business, until the defect in the exercise of the Royal authority was supplied by the establishment of a Regency, and read his intended Protest as a part of his speech.

REGENCY BILL.

The order of the day was read for taking into consideration the report of the Regency Bill.

His royal highness the Duke of Sussex spoke to the following effect:—

MY LORDS,

Feeling, as I do, the magnitude of the subject which is now before us, in which we are to bear in mind, not only that we are to remedy the dangers and difficulties which the present calamity has brought upon our country, but that whatever measures we take will hereafter serve as precedents, upon which future generations will have to proceed; it behoves us to act with the greatest prudence and circumspection, in order that the interests of the State may be maintained, and the liberties of the people, as well as the blessings of the Constitution, may be handed down to posterity pure, unshackled, and unimpaired.

With these sentiments, I have paid unremitted attention to every step we have taken, most anxious to gain a per-

sible information, before I intrude myself again upon your lordships; and to be instructed by luminous observations of many noble lords, who have spoken during the different stages of this most weighty business, to whose erudition I certainly cannot pretend, but to whose zeal I put in an equal claim.

The result of my observation is, that, except as to the determination and expediency of appointing a Regent, and his selection, as also to that part by which the immediate care of the King's person is confided to her Majesty, I object to every one of the Resolutions, conceiving them to be of the most dangerous tendency.

It appears to me, my Lords, that the framers of this Bill have proceeded, first, by a violation of precedents; secondly, by a violation of the law, and, consequently, by a violation of the Constitution.

I am well aware that in making these assertions, I am exposing myself to a variety of attacks and misrepresentations; but despising and regardless of the danger, I am determined, whether I can produce any thing new or not, at least to acquit my conscience, by endeavouring to do my duty faithfully, in a moment of great arduousness and difficulties; and by giving my free and unbiassed opinion as to the measures which I conceive would be most advantageous for my country to adopt at such an eventful crisis.

I know likewise I shall be accused of want of delicacy; but my answer to such an insinuation is, that much as I love this subsidiary virtue, it must ever give way, when truth is of more importance than delicacy.

All the precedents, which we have collected from the wisdom of our ancestors, for the guide and government of our conduct, in this melancholy occasion, have only served either to teach us their errors, or to prove that they never were visited with so weighty a calamity; since the measures we have adopted are not grounded on a single one of the precedents contained in the Report which the Committee, appointed for that purpose by your lordships, has made to us; nor have they the smallest analogy to them.

As to the violation of the law, I have only to observe the manner in which Parliament has been opened. The Commission purposes to be an act of the Crown, when it is in substance the act of the two Houses.

The Great Seal is the high instrument by which the King's will is irrevocably given. It is the mouth of the Royal authority, the organ by which the Sovereign speaks his will. Now, when, my Lords, has his Majesty's will been made known to us? At a moment when all our proceedings are grounded upon the established fact of the temporary suspension of the Royal functions by indisposition: to what consequence has no will of his own.

The act cannot for a moment bear examination, as it carries upon the face of it an untruth—I might even add, a forgery: for upon the lamentable, but manifest proof of the Sovereign's momentary incapacity, we declare the necessity to create the Royal authority.

There are, it is an act of the two Houses to which I object, for the two Houses, not being responsible, ought not to intervene. Besides, to my knowledge, there does not exist a single precedent in this country, where the two Houses ever took upon themselves to exercise the Legislative authority of the Crown. But I can quote many statutes against such proceedings; for instance, the 16th of Edward II. the 35th of Henry VIII. first of Philip and Mary, and particularly the 13th of Charles II. which even mentions the danger of a *præmunire* mentioned in a statute 16th Richard II. to any person or persons who shall assert that both Houses of Parliament, or either House of Parliament, have or hath a Legislative power without the King.

In my humble opinion, the mode pointed out by justice to the country and the Constitution, would have been to address the Prince of Wales to take upon himself the exercise of the Royal authority.

If there was a necessity for putting a Seal to a Commission, the two Houses might have appointed by such a Commission the Prince of Wales Regent, with full powers of assent and dissent, and all the prerogatives of the Crown, but which there would have appeared no infringement of the Constitution, as the three branches of the Legislature would have been all represented.

As guardians of the interests of our King, during the interval of his illness, for I perfectly agree with the noble Lords on the other side of the House, the recollection of his Majesty must ever be present to us, in order to keep us to our duty; we are not to suffer any advantage to be taken to despoil the Crown of its just and constitutional rights,

and to take care that, when it shall please the Almighty that the King may be capable of assuming the Royal functions, he shall find them undiminished, whole and entire, as previous to his ever-to-be-lamented indisposition. It is our duty to see that the government, which Parliament is about to establish, shall be one of vigour, energy, and effect.

Motives of self-interest, prudence, and justice, must prompt us to preserve entire all the duties of the Kingly office; for it is by the preservation of this branch of the Legislature that the two others can only expect to maintain their rights and privileges secure and entire.

The Royal powers and prerogatives are as a weight in the balance of the Constitution; if, then, we diminish that weight, we alter the balance.

My Lords, though I allow in one sense of the word the King to be the servant of the people (because his power has no other rational end than that of the general advantage of the State), still, in the ordinary sense of our Constitution, he cannot be considered as one who is to obey the commands of some other, and to be removable at pleasure; for the King obeys no other person, while persons are immediately, and collectively too, under him, and owe to him a legal obedience.

The Law, which knows neither to flatter nor to insult, calls this high magistrate, not our servant, but our Sovereign Lord the King. In making, therefore, a Regent, whom I consider to be the person into whose hands the possession and execution of the Royal powers and functions are deposited and confided, we are to take care most religiously, that no infringement may be attempted; while the great and constitutional prerogative of the Crown, which has been given it, for the personal security of the Sovereign, and the liberties of the people, is actually suspended; I mean, my Lords, the Royal *veto*.

Otherwise we are taking an unfair advantage, and conspiring to disable, by art, that Sovereign, who, unfortunately, at this moment, is incapacitated from watching over his own interests, and from guarding the liberties of the people, by the visitation of Providence.

I have heard of frequent allusions and references to various periods in our history, as similar to our present disastrous predicament; inasmuch as they relate to the situa-

tions of the two Houses, I admit them to be true, but in no other respect.

At every one of these eventful periods, the House of Commons has invariably endeavoured to augment their consequence.

Already in the minority of Richard II. the House of Commons began to feel their independence; and for the first time elected a Speaker, who might preserve order in their debates, and maintain those forms which are requisite in numerous societies.

The times are certainly altered; but then they did not come to Resolutions, as in the present instance; but they petitioned the House of Lords to provide the Council to direct the public business; but as to the regulation of the King's Household, our House declined interfering in an office, which we said was invidious in itself, and might prove disagreeable to his Majesty.

It was attempted by the House of Commons, on that occasion, to chalk out to us a certain line of proceedings; but we gave them to understand, by our silence, that we did not approve of their interference in the more important matters of the State, although presented by them in the form of petition.

We did not however hear, at that time, of any restriction relative to the number of noble Lords who were to sit in our House; they were not our generous instructors, whom we were to applaud and imitate; they did not attempt to have a share in creating a peer, which would be the case, if one of the present clauses passes; for by this step the honour of peerage would be put to the vote; and thus a most unparliamentary interference of the other House, with the constitution of ours, would be established.

Should any measure of this sort be necessary, against which I protest, as being an encroachment on the prerogatives of the Crown, it ought to originate within our own walls; and therefore I consider the suggesting of such matter in another place, and particularly at this present moment, as an infringement on the rights and privileges of our House.

I should like to know how the House of Commons would receive a Resolution of the following nature from the House of Lords, that we had thought fit that the Regent should sign no Money Bills. Would they not conceive that any

interference on our part of such a nature would be an infringement on their rights and privileges?

Perhaps some of his Majesty's late Ministers, who occupy situations in that other House, and who have equally usurped powers, which they ought not to have exercised for so long a period as the present, might be less severe in watching over the privileges of that House, as I believe it a point upon which they are most sore; for, if report speaks true, we do know that monies have been issued, previous to the hasty vote of the two Houses a fortnight ago; and if so, I contend that that Administration, which has gone by the denomination of the No-Popery Administration, has been more papistical than any one we ever had before; nay, I should say, that with their thirst after power, they had swallowed up the Pope. For by so acting they must have dispensed with the oath, which is taken in the department of Finance, that no issue of money can be permitted without the sign manual of his Majesty.

I have heard that Sovereigns have been advised, very injuriously to their own interests and those of their people, to dispense with certain laws; but I never heard that any Sovereign has pretended to dispense with an oath, but the Pope.

I have stated these two points, in order to call the attention of your Lordships to the difficulties and perilous situation in which the two Houses might place themselves, by complimenting and encouraging each other, to encroach on the prerogatives of the Crown, in order to facilitate the means of mutually acquiring the additional power which they might feel inclined to assume to themselves.

Such is the infirmity of human nature, such the proneness to ambition, such the natural thirst after power and dominion, that it behoves us always to watch every opportunity to advance the object of such passions, with extreme jealousy, and to check their progress in their first outset.

For does it not appear insidious to propose to the House of Lords, as a measure of expediency, the stopping for a time any increase of members in our House, the effect of which would instantly be to increase the consequence of every individual noble Lord who has a right to a Seat.

Beware, my Lords, of such champions of the Constitution, who would abuse their trust, if they were to take powers which did not belong to them; in order to flatter us with a

degree of authority which does not belong to our House, or in order to deprive the Sovereign of a right which does belong to him, and that at a moment when we are pretending to guard the Crown.

We should be thus striking at one of its legal, constitutional rights, when it is utterly incapable of defending itself; which I must consider as a proceeding unworthy of a British heart, and still more unworthy of the acknowledged justice of the hereditary Legislators of the British Empire.

It appears to me, my Lords, that our ancestors, with a studied and laudable precaution, have thrown a delicate veil over the office and powers of a Regent, considering that existing circumstances would always be a safer and better rule to their posterity, than the laws of precedent.

Regencies are at all times expedients which the necessity of the case may require, but which no man who knows any thing of political effects would wish that occasion should arise to create.

In the present existing circumstances, the Regent must not be a Commissioner of the Crown, or a sort of Prime Minister, as seems to be the opinion of some noble Lords; but he is the eldest son of the Sovereign, whom the two Houses of Parliament have recurred to, as the safest and the most proper person, to support the weight of his Royal father's Crown, which is too heavy for him, from a momentary indisposition, we will most fervently hope.

He is to maintain untouched, all the Royal prerogatives, to guard the liberties of the people, and to prevent both Houses of Parliament, from going astray, in consequence of the temporary suspension of the magistracy of Royalty. How can we expect such an Herculean task from the Regent, when we are coming to a Resolution, which would sow the seeds for a combination of the House of Lords against the Crown, and consequently would encourage a faction, which the Regent would not be able to counteract? For by such a proceeding, we should be shutting the doors of the House of Lords to the people, and creating ourselves one great, independent, omnipotent branch of the Legislature.

With such an impression, it is impossible for me to admit that the prerogatives of the Crown can be divided,

some of them reserved, while others are given to the Regent: and at the same time to contend that the Regent should, nevertheless, be able to carry on a strong and vigorous government, without opening the door to an argument, that if there are prerogatives annexed to the Crown, that are not in themselves necessary to the energy and vigour of Government, these prerogatives might be shared, and might be abolished, since the Crown, no more than the Regent, ought to enjoy prerogatives that were admitted not to be essential and advantageous to the Constitution.

If these prerogatives be necessary to the splendour and authority of the Crown, they ought not to be suspended, even for a single moment.

What is the Constitutional authority of the Crown? It is an assemblage of all the duties of the Kingly office, defined by the common Statute Law.

When, and to which of the three Estates, was assigned the power of bestowing honours? To the Crown; and that power of the Crown is derived from the same source, from whence our House derives its power.

It is an integral part of the power of the people. The moment, therefore, we take from the Crown the power of bestowing honours, the Constitution is no longer the same as formed and handed down by our ancestors.

The King possesses the power because it is necessary—it is an inherent right in the Crown—it is a public right, and not a personal individual right—it belongs to the Kingly office, as one of the Royal prerogatives absolutely necessary for the support of Government, and the good of the people, and therefore, if this power be necessary to the King, it must be equally necessary to the Regent.

There is no doubt that the Royal prerogative of granting the highest dignity a subject can aspire to, is one of the first privileges of the Crown, and is given for wise and beneficial purposes—for the advantage of the people—and those who are the objects of government, and for whose benefit all governments are erected, and not for any aggrandizement or benefit of the Crown itself.

The reason of these prerogatives are two: the one to enable the Sovereign to reward merit, and to bestow grace on the deserving.

The other to prevent a combination of our House,

which might prevent the very existence of the Monarchy itself.

I have not heard, my Lords, that any simple duty is not expected from the Regent. If then he is to be charged with the whole duties of a King, he cannot, he must not be curtailed in the prerogatives—else a time may come when the question may be agitated in respect to the power of the Crown.

Might it not be afterwards said, what is taken from the Crown is gained to the people?

Think for a moment, my Lords, how the Monarchy would stand if the power of making peers in one House was taken from the Sovereign, while the other House, after prompting and urging us to such a step, was to solicit our assistance to rob the Sovereign of his prerogative to dissolve them.

Separate thus the idea of the powers of the King from the Monarchy, and you will soon feel the deadly blow which has been aimed at this Monarchy.

My Lords, if it were possible, instead of weakening the powers of the Regent, I would say, they ought to be increased, for every Government, which is existing but upon a momentary event, must be unavoidably and naturally weaker than that which is in itself of a permanent nature.

Necessity certainly justifies our taking measures to get the third Estate faithfully and efficiently represented; but we are not authorized to make an improper work—we are not called upon to depart from the institute of the Constitution to create a mutilated Torso.

These are not the principles instituted by our ancestors—we ought not to suffer those to be wantonly changed at the suggestion of cunning or caprice, in order to serve the purposes of a temporary, self-constituted, oligarchical Junto.

For if we were to give way thus incautiously to such opinions, we might be hereafter prevailed upon to sacrifice what has been agreeable to the wishes and the taste of the people, even the most salutary and useful regulations of centuries past.

As for me, my Lords, I cannot see any advantage from the violation of the Constitution; but I fear much such speculative trials may occasion the total subversion of it.

It is not consistent with the duties we owe, either to the

Sovereign or to the people, to try experiments at such an awful period, or to introduce a system of this nature.

Is it fair, in imposing on the Regent many painful and arduous duties, that he should be deprived of those benefits, which would be some recompence and consolation for the cares and anxieties his own embarrassing situation will bring upon him?

The Regent's situation will indeed be one of painful pre-eminence, perhaps more correctly styled of Royal servitude.

It ought certainly not to be deprived of all that is graceful, of all that is honourable; we ought not to rob it of all that is calculated to shew us the kind, generous, and merciful disposition of the Royal personage, who has even condescended to accept of this weighty charge, with increased difficulties, as he was pleased to observe in his answer to your Lordships.

I certainly shall see with regret most of these clauses passed, and particularly that one which deprives the Regent of dispensing honours, even for a limited time, to those who, in their different calls and situations, have a claim to such a distinction; for merit is likely to arise at all periods, and equally deserves reward.

Besides, the avowed principle on which it is declared a Regent ought to be appointed is, that he should choose his political servants. Now, the very restriction of peerage may prevent the Regent from making that judicious selection, which he may judge most advantageous and beneficial for the welfare of the country.

By thus stating my opinions, I feel I am acting as a warm friend to my country—as a warm friend to my Sovereign and Father—as a warm friend to the Prince of Wales, my brother—and as a warmer friend to every thing that ought to be held sacred in the Constitution.

I certainly have, as most persons, a preference for a particular set of men, but upon this conviction, that the man who governs the country best and most advantageous for the people, is the Minister whom I shall think myself bound to support.

Not approving of the measures that have been proposed, I vote against them; conceiving that I am voting with the laws of my country, on a conviction of every part of the system being erroneous and defective. And, therefore, I feel a pride and satisfaction in what I am doing, neither intimidated nor caring for sinister insinuations, which have

been mischievously propagated, of the existence of a fourth Estate, or of a college of Princes.

The purpose for which such a new phantom has been conjured up is as wrong as it is wicked, since it is attempted, in so critical a moment as the present, to inflame the minds of the people, or to frighten them with imaginary dangers, with a view to crush more effectually the power of the Crown, and to dishearten the honest exertions of the Sovereign's relatives, who have seats as Lords of Parliament; and who are at least the natural, if not the legal guardians of the interests of their revered Parent, when the violation of the laws of nature is one of the revolutionary cries of the day.

Such persons who study and contrive to misrepresent the constitutional endeavours of the Royal Peers to preserve the rights of the Crown whole and entire, deserve the execration of the country, as having acted with a species of baseness paralleled to the highest degree of human depravity.

The Amendments made in the Bill in the Committee were read by the Clerk, and the question put upon each by the Lord Chancellor.

The Amendments made in the first clause were severally agreed to.

On the Amendment in the second clause respecting the signature of the Regent, namely, that in cases where it had been usual for his Majesty to sign Initials, that then the initials G. P. R. only should be necessary—

Earl Stanhope suggested a doubt as to the propriety of the word "usual," as by an accidental mistake in the signature of the Regent an instrument might be invalidated. Suppose the case of a patent of Peerage, after the period of the restrictions, was the validity of it to be endangered by an accidental error in signing it? He thought it would be better to leave the option of the two signatures to the Regent.

After some farther conversation, the original amendment made in the Committee, was adopted and agreed to.

On the motion of the Earl of Liverpool, the oath to be taken by the Regent respecting the Church of Scotland was omitted.

Lord Grenville rose, in pursuance of the notice he had given on a former night, to submit an Amendment to their Lordships, which would go to alter the duration of the restrictions on the Regent from twelve to six months, counting from the date of the passing of the present Act.

It was not necessary for him to enter much at length into the subject, or long to occupy their Lordships' attention; for the arguments lay within a very short and narrow compass: nor had he much to add to the observations he had made on a former night. It might not be improper, however, to remind their Lordships, that in the Bill of 1789, there was no limitation in respect of the time of the restrictions imposed. On looking back to the Journals of the House, it would be found that a division took place on the point, whether the restrictions should endure for a time to be limited; those who supported the Bill, of whom he had the honour to be one, contending that no limitation was required, and those who opposed it maintaining the contrary opinion. Now, however, he was of opinion with those who brought in the present Bill, that some limitation of time should be put to its enactments; and he formed this opinion from the different nature of the circumstances that attended the attack of the malady under which his Majesty now laboured, and those on the former occasion. On the first attack of the disorder, there existed no grounds from which a probable judgment could be formed of the nature or duration of the malady. Even medical experience and information could furnish few materials from which conclusions could be drawn: but at present, from the experience of what had taken place in several attacks, there existed strong grounds for cherishing the hope, which none would be more unwilling to relinquish than himself, that the malady with which his Majesty was afflicted would be but of short duration. The reason for assigning a limited period at all, was founded on the necessity of providing for the safety of the country, and the precise limits to be given to it should depend on the experience which they had of the past. Experience had told them, that there was a period within which the hope of recovery might be strongly entertained; and certainly there was no time when it could be pronounced that his Majesty's recovery was desperate, for while there was life there was hope. Whether the time which he had to propose, or that proposed by the framers of the Bill, was the most reasonable, it would be for the House to judge. Being compelled to fix some period, on what other *data* was he to proceed, but on those facts which were furnished by experience? Let their Lordships consider the time within which the former recoveries of his Majesty had occurred. Three several times his Majesty

had been afflicted with a disorder similar to the present, in its nature, its symptoms, and its progress; and as often he had recovered. Hence a favourable omen was derived for future expectation. At no time had the duration of the malady lasted beyond four months. The duration of the first attack was recorded in the Journals of Parliament. What its precise duration was in the other two cases he could not now pretend to state, though a month ago he thought he could have been able to declare it; but from the circumstances that had transpired in a late debate, he must now be understood to speak of the duration of the attack in 1801 with great doubt and hesitation: (*Hear! hear!*) but still there could be no doubt that the first attack was the longest; and the physicians had unanimously stated that no one attack had lasted beyond four months. Their Lordships had not been told, that the present case differed in its nature, symptoms, and progress from any of the former; and hence he would deduce the probability that, if recovery took place at all, it would not be extended beyond the period within which it had happily taken place in former instances.

This also appeared to be the judgment of his Majesty's physicians. He had looked back at their examination; and had found that three out of the five spoke in strong terms of the probability of recovery within the period when it had formerly occurred. This was particularly the language of Dr. Willis, who, without speaking at all invidiously of the other most respectable gentlemen, had enjoyed far superior advantages of experience in that particular malady. When Dr. Reynolds was asked his opinion as to the probable duration of his Majesty's complaint, his answer was, "that if recovery should be protracted beyond the usual period, his confidence would be considerably diminished." This was the substance of the opinion on which he (Lord G.) founded the proposition he had to submit. Despair of ultimate recovery would not in such case be produced, but confidence would be diminished. Dr. Baillie again had said, that when he considered the progress of the present attack, he thought it not unlikely to last longer than some of the preceding. The noble Lord then proceeded to cite and comment upon the opinions of Doctors Heberden and Halford on the same point; but he particularly called the attention of the House to that of Dr. Willis. The answer of Dr. Willis was, "that he should

certainly begin to have a very unfavourable opinion of recovery, if the period of recovery in former attacks should pass by." On these grounds he (Lord G.) would rest the amendment which he had to propose. It was, that the restrictions should last for a period of six months, counting from the 1st of February next, about which time it was likely that the Bill would pass; which would give in all a period of nine month from the commencement of the malady, being considerably more than double of any other period within which recovery took place. If within that period there was no recovery, then the hopes of amendment must be less confident, and all restriction on the Executive power ought to expire.

Before he sat down he hardly thought it necessary to guard himself against that vulgar and despicable idea, which had been insinuated elsewhere, of being less actuated than he ought to be with becoming feelings of delicacy and respect towards his Sovereign. If such a charge was now attempted in any quarter, he must remind their Lordships that every such charge was equally cogent and forcible against those who proposed twelve months. (*Hear! hear!*) It was agreed on all hands, that some limit must be fixed; and the only question was, which of the two periods proposed was most consonant to fact, to medical experience, to sound reasoning, and judicious deduction. But there was one argument against the amendment, which he should now anticipate: and that was, its being desirable that Parliament should be sitting at the close of the restrictions, and the probability of its rising before the 1st of August. This appeared to him quite an unfounded idea; for any man who looked at the state of the public business, must be sanguine indeed, if he believed that, while the Regency could not commence till February, the public business could be brought to a close before the end of July. He should conclude with moving, that instead of the words "February, 1812," the words "August, 1811," be inserted.

Lord Sidmouth opposed the amendment at considerable length. He observed, that both the restrictions and their proposed duration were founded on the opinion that his Majesty's illness would be only temporary; while they were both to cease, should the probability of that event be greatly diminished. His noble friend had said, that in the instance of his Majesty's illness in 1789, there was no

experience to guide Parliament, and that therefore the restrictions had no limit affixed to them. This, however, he must deny, for it was recorded on the Journals of the House, as the opinion of the late Dr. Willis, who had the greatest experience in such maladies, that the greater part of his patients affected similarly to his Majesty recovered within eighteen months; that from three to fifteen or eighteen months was the general period within which recovery might be expected. This was the opinion of a most experienced physician; and therefore the House of Commons had solid grounds for adopting the period mentioned in the Bill. The period of twelve months came recommended to him, not only because it was founded on experience, but because it would afford a better opportunity for Parliament using its discretion, whether the restrictions should be continued, or at once put an end to. His noble friend had expressed his opinion, that if recovery did not take place within six months after the passing of the Bill, the matter was so hopeless, that all restrictions at once should cease. On this he differed from his noble friend; though he was extremely glad he had said nothing of commencing the period from the 1st of November, which in fact would have left only about eight or nine weeks after the passing of the present Bill. The noble viscount then proceeded to call the attention of the House to the evidence given by the physicians on the subject of his Majesty's illnes. On their answers his Lordship commented at great length; and from the whole drew these conclusions—that his Majesty's recovery was probable, but that the period was uncertain—that the continuance of the malady would best be judged of from the symptoms—and that even the continuance of it beyond the usual period of convalescence would not destroy the probability of recovery: on all these grounds he must oppose the amendment.

The Earl of Coventry briefly declared that he was in favour of the amendment.

The Marquis of Stafford also supported the amendment; and in doing so, he did not conceive himself to act inconsistently with the principles which determined his conduct in the year 1789. At that period he supported the Bill which was brought in by that truly great man, the right hon. William Pitt, for whose memory he felt the greatest respect. But circumstances had altered materially since, and the arrangement which was then best suited to the existing state

of affairs might be extremely exceptionable at present. The spirit of the restrictions of 1811 was so different from that of the antecedent period, that he could not vote for the clause as it stood.

Lord Eldon observed, that it was extremely desirable the question put by a noble baron (Lord Grenville) should be accurately stated. The noble Lord had founded the greater part of his argument upon a supposed declaration of his (Lord Eldon's), respecting the period to which the limitation of the restrictions was to continue. All that he meant to say, and what he did say on a former debate was, that in his opinion it was of no consequence whether the restrictions were calculated from the 1st of November, or the date of the passing of the Bill. He never stated any other opinion on the subject. It was now necessary for him to advert to something that had fallen from a noble earl, (Lord Grey,) on a former evening. He regretted that the noble Earl was not present (Lord Grey entered the House shortly after) to hear his reply to the charge so preferred. He understood the noble Earl to have accused him of having performed certain acts, connected with the office he held, in his Majesty's name, while his Sovereign was in an incapable state. He would again repeat, that he challenged the most minute inquiry into those transactions. What he did on those occasions, he did in concurrence with and with the approbation of all his colleagues; and he would have acted as he did, though he had even differed from every man among them. He would even go farther; and he would say, that acting conscientiously, so help him God, he could not have acted otherwise than he did. What was the nature of the crime imputed to him? Why this, that he had acted in obedience to his Majesty's commands. He would ask the noble earl (Grey) what he would have thought of him, if he had refused to do so; and what kind of crime he would impute to those who disobeyed his Majesty's commands? With respect to the accusation which had been made over and over again, as to the certain prospect of his Majesty's speedy recovery, he would now repeat, what he had stated as often as the charge was preferred, that he never held out any such hopes to the House. He stated from himself, as from a person ignorant of the medical profession, his confident expectations of his Majesty's recovery within a reasonable time. This was a species of disorder as to which he had little confidence in the opinions of physicians. If all

the physicians on earth were to tell him that his Majesty's recovery would be speedy, he would not believe them. Upon the same grounds were they to declare that his Majesty's recovery would *not* be speedy, he would be equally incredulous. The restoration of the Sovereign to the full exercise of his mental powers depended upon other causes than mere medical aid. In the language of the Scriptures, if it was the pleasure of God that "there should be light" in the Royal mind, "let there be light." He would, however, undertake to assert, "that there was a most material amendment in his Majesty;" and having said this, he would say no more. As to the amendment proposed by the noble Baron, the object of which was to limit the duration of the restrictions to the 1st of August, it arose out of the principle that there were to be restrictions. Now as the noble Baron admitted the principle, he could not comprehend why he contended with such unrelenting positiveness for the limited duration, and declared a month ago, that nothing should induce him to vote for their continuance beyond six months. There appeared to him an irresistible argument against the ceasing of the restrictions at that period; and it was this, that Parliament would not be then sitting. It was on many accounts extremely desirable, that both Houses should be sitting when the Bill now under consideration should expire. With regard to the observations made by the noble Earl at the conclusion of his speech in a late debate, he would repeat what he had before declared, that he would shrink from no inquiry into his conduct on the occasion alluded to. He had acted upon his conscience, and to the best of his judgment. His conduct would be the same on this occasion. He would act upon his oath, in despite of the opposition of all the world. His opinion was, so help him God, that there was a most material amendment in his Majesty. It was little more than forty-eight hours since he had an opportunity of ascertaining this improvement in his Majesty; and he trusted in God that his gracious Master would live many years to be, as he had always been, the benefactor of his subjects.

Earl Grey.—My lords, there is one point in which I fully agree with the noble and learned Lord who has just sat down; it is in the importance of the subject we are now discussing, and on the magnitude of those duties which your lordships are now called upon to discharge. My opinion, founded as I think upon constitutional principles, and sup-

ported, as I trust to prove, by sound reason, is, that you cannot, without danger and injury to the monarchy itself, and of course to the reigning Sovereign, for whom the noble and learned Lord professed such affection, limit and abridge those prerogatives of the Crown, which, being vested trusts for the benefit of the people, are attached to the office and not to the person. (*Hear, hear!*) To this part of the subject I shall feel it hereafter my duty to recur, being at this moment anxious to advert to the allusions made by the learned Lord on the interpretation which myself and my noble friend (Grenville) are supposed to have made upon certain expressions of his. The noble and learned Lord professes loudly, I trust sincerely, his determination to perform his duties at every risk. I am, my lords, not disposed to indulge in professions, though I hope that in every occurrence of my life, I have at least evinced the inclination to act upon the conviction of my duty, and honestly to adhere to it, undaunted by difficulty, and unchecked by apprehensions of personal misrepresentation. (*Hear, hear!*) That line of duty I shall strictly observe towards him—determined that neither his agitation or his fears shall deter me from arraigning him, if I shall find him guilty of what I cannot consider as less than *Treason* itself. The noble and learned lord (Eldon) asks, what is the designation of that crime which a public servant would commit in refusing to obey the just commands of his Sovereign? I acknowledge that would be treason to the Sovereign; but with my answer to that appeal, I beg leave to couple another question—What, I ask, would be the character of his offence, who, knowing his Sovereign to be actually at the time incompetent—who, in the full conviction of his notorious and avowed incapacity, should come here, and in the name and under the pretext of his Majesty's commands, put the Royal seal to acts which could not be legal without his Majesty's full and complete acquiescence? —What, I ask, would be the crime of that man who should venture to take such a course? I pronounce his offence to be treason against the Constitution and the country. (*Hear, hear, hear!*)—The noble and learned Lord complains of much misrepresentation of what had fallen from him in a former debate, relative to the little consequence whether these limitations on the Regent were to be dated from the first of November last, or from the present period. Did any one impute to the noble and learned Lord any improper or ambiguous meaning which these expressions seemed to convey? What,

is the proof of his being misrepresented? Let these expressions be fairly considered, and what will be the just and legitimate inference? Was he to be declared wrong because he thought that he was prompted to make such a statement upon the strong impression that he entertained of his Majesty's speedy recovery? The noble and learned Lord might deny the validity of our reasons; he may challenge the strength and propriety of our inference: but I must confess that I cannot admit the justice of his complaint, when he charges us with misrepresentation. If, however, the interpretation then put upon these expressions was not correct, I own I am at a loss even now to guess at their real meaning. Notwithstanding all the rant of this night, it is just as unintelligible as it was before. I did not, says the noble and learned Lord, give the opinion imputed to me; but I will tell you immediately what was my meaning when I used the expression, that to me it was of no consequence whether the restrictions of the Regent were to commence from the first of November last, or from the present period. Having repeated his former words, one should have expected the promised explanation; but here again we find the noble Lord rest satisfied with an assertion, that no such interpretation as was put upon his statement, ought to have been imputed to him. He then proceeds to give another opinion, which, considering the source from whence it proceeds, and the subject to which it applies, is not a little extraordinary. The noble and learned Lord says that he can place little value and pay no respect to the judgment of Physicians touching his Majesty's speedy or remote recovery. Surely he cannot forget that such was not, on a former occasion, the noble Lord's conviction. He cannot forget that he himself, in his place in that House, grounded a proposition which he offered to your Lordships' attention, upon the very report of these Physicians, whose opinions are now treated with so much seeming disrespect. The noble Lord then had his confident expectations of his Majesty's recovery, because the Physicians who were in attendance, and who had attended him on his former indisposition, saw in his then state all the symptoms of approach towards recovery, and none of the symptoms which indicate the delay of recovery. (*Hear, hear!*) I am sure I most willingly give the noble and learned Lord full credit, that he would not have made these assurances to your Lordships, but under the strong impression that he believed them to be true. However irreconcilable with his

opinion now, these were his statements then. We, at that period, heard none of these scruples relative to the early recovery, of which, at this time, we hear so much. (*Hear, hear!*)

The Lord Chancellor spoke to order, and stated that he most studiously avoided giving any such opinion.

Earl Grey.—With every respect for the noble Lord's assertion, I must still persevere in my statement, and appeal for its justice to the recollection of your Lordships. (*Hear, hear!*) Your Lordships cannot forget that, upon the occasion alluded to, the noble and learned Lord not only founded his proposal upon the statement of the physicians, but actually drew, in order to be fully correct, the very words of the physicians from his pocket. And I beg to ask your Lordships, whether it was not in the full confidence of the strong hopes which these statements conveyed, that the motion of another adjournment, as proposed by the noble and learned Lord, was acquiesced in by this House? (*Hear, hear!*) Whence this new light has been imparted, which now leads him to treat with disregard that authority, which some short time past he so highly valued, I am at a loss to discover.

The noble and learned Lord has this night communicated to the House, that, to the best of his judgment, a material amendment has taken place in his Majesty's state. Most anxious as I am to hear of the restoration of my Sovereign, whether from the agitated feelings of the noble and learned Lord, or from his no dishonest bias on this subject, before I can be satisfied, I must have other evidence. (*Hear, hear!*) most particularly after the experience which this House and the Country has had of the value of such testimony on former occasions. The opinion which we have had this night, it is to be remembered, rests not on the authority of the Physicians, but solely on the noble Lord's own judgment. I ask him, my Lords, is he qualified to pronounce a judgment upon the short conversation which he might have had with his Majesty? If that judgment which he has given, is to be the ground-work of any Parliamentary proceeding, I should feel it my duty to examine the noble and learned Lord. I would then put this question—do you build the judgment you have formed upon any cursory conversation which you might have had with his Majesty—or have you, in your interview, adverted to that topic which has been considered the cause of his Majesty's delusion? Without this criterion,

recovery cannot be pronounced by any man. Go, my Lords, into any of these receptacles of human infirmity, and you will find unhappy persons, in the worst state of that afflicting malady with which our Sovereign is affected, who to appearance are in perfect possession of their faculties on all other subjects, until from any cause whatever their imagination wanders to that object whence their insanity has sprung.—Indeed there are cases upon record, of persons in the worst stage of that calamity, the latent cause of whose disease Physicians have not been able to perceive, and have from such ignorance certified a recovery, which a short interval of time proved to be delusive. God grant, my Lords, that the recovery of our most Gracious Sovereign shall be complete and perfect! Without evidence that it is so, I shall never be satisfied. Until your Lordships have, by unquestionable proofs, established the Royal competency, if you are firm in your duties, you must not allow the Royal Sceptre to be grasped by other hands, and the Royal authority, which is inseparable from the moral capacity of the King, to be assumed and exercised by other persons.

The noble Lord has repeatedly told this House that he will not at present stoop to give any explanation of his conduct on former occasions similar to the present; but that if any one shall think fit to institute an inquiry into that conduct, he will not shrink from it. This is a vain boast. The noble Lord must know, that if such an inquiry is brought forward, he cannot shrink from it. I maintain, however, that it does appear in evidence that, both in 1801 and 1804, the King's name was used in acts that could not be performed without the Royal assent and concurrence; when we have it in evidence that the King was labouring under an indisposition of a nature exactly similar to the present. In the years 1801 and 1804 we know that Councils were held, and Members were sworn in, at a time when his Majesty was in a complete state of mental incapacity. On the 17th of March, measures of the most important nature—measures in which the interests of the country were vitally concerned, took place. Expeditions were fitted out; and we know from the evidence laid before your Lordships, that on the 14th and 15th of March the King fell into a paroxysm which continued during several days. So much with regard to 1801. In 1804, a noble Viscount (Lord Sidmouth), when asked in another House if there was any suspension of the Royal functions, said that there was no suspension; and when

pressed a little farther on the subject, he afterwards shifted a little, and said that there was no necessary suspension. The noble Lord on the woolsack also thought fit to make a suitable declaration to this House. Now it appears, on the evidence of Dr. Heberden, that his Majesty was at this period in a state of mental incapacity. He stated, that from the 12th of February, 1804, to the 23d of April following, when he believed that his Majesty presided at a Council, he was in attendance on him, and he considered the duration of the King's illness to have extended from the 12th February to the 23d of April. This is the statement of Dr. Heberden. In that interval we know that several acts took place which required the Royal interposition. On the 9th of March, a Commission under his Sign Manual was passed; on the 15th of March, the Royal Assent was given to several Bills; and all these took place at a time when Dr. Heberden states his Majesty was labouring under a mental incapacity. I believe that the noble Lord would not have stated what he did to your Lordships, without his believing in the truth of it; but will the House endure it? Will you suffer the highest office of the King's prerogative to be executed in his name, when you have it in evidence, that he was then unfit to discharge any of the Royal functions?

I will ask the noble Lord what he would have done, had a case of a similar nature come before him in Chancery? I will suppose such a case; and that in the interval, when it appeared from the testimony of physicians that the unfortunate individual was incapable of exercising his mental faculties, a person had prevailed on an attorney to make a will for him, would the noble Lord have given his sanction to such a proceeding? Would he have taken the opinion of the interested individuals, in preference to that of the physician? Let the noble Lord apply this case to himself. I say that his Majesty's name has been abused. The noble Lord has said, upon his own authority, that his Majesty was not then incapacitated from acting; but will your Lordships allow yourselves to believe that his Majesty's health was then such as to admit him to act in his Royal capacity, upon an authority which contradicts that of his physicians? We may see the manner in which the nation has been deceived. Dr. Reynolds has stated in his evidence, that he retreated from Kew, because it would have a better appearance; but we know that on the 20th of June, a period long subsequent to this, Dr. Simmons, and Dr. Simmons's medical attendants, had an authority over the King. Will

you suffer the King's authority in this manner to be engaged in acts of which he could have no knowledge or participation? It is necessary that such conduct should meet with proper reprobation, and that measures should be taken to prevent the probability of a repetition at a future period.

With respect to the restrictions in the exercise of the Royal prerogative in the hands of the Regent, the noble Viscount (Sidmouth) was pleased to recur to an argument which had been frequently already used on the same subject—"In God's name what inconvenience can arise from going on for one year under the restrictions? Have we not gone on for four years without making any addition to the Peerage? and can the Regent not go on one year without any such addition?"—My Lords, I must enter my protest against a doctrine like this, which takes it for granted, that because no inconvenience has been felt in a given period from the non-exercise of this part of the prerogative, that therefore no inconvenience will result from it in a future given period. If you can fix such a period during a Regency, you may fix it while there is no Regency; but no part of the Prerogative being unnecessary, you can fix no period when no inconvenience would result from its not being exercised. The same duties being required in a Regent which are required in a King, you cannot deprive him of this prerogative, without depriving him of the power to exercise these duties; you cannot deprive him of it without injury to the Monarch, without the most imminent danger to the Constitution. There is no end to this principle of the noble Viscount. Why does he not carry it to the Army and Navy? Why does he not put a stop, during the same period, to naval and military promotions? Why not put a stop to a number of grants from the Crown, and to the conferring of inferior honours and distinctions?—Why not to that fairest jewel of the Crown, that pure beam of radiance which approaches the nearest to celestial, the noble prerogative of mercy? Why not the presentation to the higher offices in the Hierarchy? It appears to me, therefore, that the restrictions are every way inexpedient. It has been said, that the power to create Peers is one which may be carried to excess, and may thence embarrass and endanger the resumption of the Royal authority. But this is an unfair argument. The proper controul of the exercise of this power belongs to the two Houses of Parlia-

ment. The two Houses of Parliament have alone, constitutionally, the power to check the undue exercise of any prerogatives of the Crown. Abuses may take place while a King is on the throne, as well as during a Regency; and in both cases they must be supposed to originate in the Ministers of the Crown; but we are not to argue from thence, that any part of the Prerogative, because subject to abuse, ought to be restricted and limited. We knew the check which the Constitution has provided for every such abuse. But every argument which is applicable to the case of a King, is equally applicable to the case of a Regent.

With respect to the argument, that the powers of a Regent had always either been limited by a Council or Restrictions, this had been so well disproved by the speech of a learned gentleman in another House, that it was now hardly necessary to recur to it. In Coxe's Memoirs of Sir Robert Walpole, a letter is to be found from Lord Townshend to George II. in which it is stated, as the opinion of his Council, that no instance could be produced in the whole history of this country, of a Prince of Wales being Regent with any other person joined with him in the restrictions. The restrictions, therefore, can by no means be said to be a substitution to the Council of Regency; and disagreeing in the principle of restrictions, I could wish that the duration of these restrictions should be as short as possible. I therefore give my hearty concurrence to the amendment of Lord Grenville.

With respect to the probability of his Majesty's recovery, I contend, that it is stated by Dr. Willis, that if the disease exceeds the period of his former maladies in duration, there is small chance of his recovery, supposing the symptoms to be the same. Surely the evidence of Dr. Willis, on such a subject, is at least equal in weight and authority to that of the noble and learned Lord. I agree with that noble and learned Lord, that we are not to place implicit reliance on the opinions of physicians in a disease respecting which all knowledge must be at best precarious and uncertain; but still their evidence on such a subject must be preferable to that of any Minister. My expectations from that quarter are very weak indeed, with the knowledge which I have of their past conduct, of their concealment of his Majesty's unfortunate state from his subjects.

I heartily concur with the noble Viscount (Sidmouth), in the eulogiums which he passed upon his Majesty. I admit in the fullest extent his private virtues, and the many claims which they have upon our gratitude. I conceive that the measures of his Majesty's government are only to be viewed as the measures of his Ministers. I owe respect to a man whose private virtues have long been an ornament to the nation; and when that noble Lord asks us, what had his Majesty done during the last 22 years of his life, that a different conduct should be adopted with regard to him at the end of that period, from that adopted at the beginning of it; I will ask him in return, if the nation is now in the situation in which it then was; if he could tell us, that after steering the vessel of the State through so many dangerous rocks and quicksands, he could at last exclaim,

——— Me tabula sacer.
Votivâ paries indicat uvida
Suspendisse potenti,
Vestimenta maris Deo.

In the year 1788 the country was in the highest state of prosperity; but now I see every thing assume a very different appearance. I see all Europe consolidated in one mass against us; I see all Europe united in one force against us; and, under such a combination of dangers which surround us in every quarter, it would be a poor policy indeed to restrain the exercise of the only means which remain to us for our defence and preservation. I beg pardon, my lords, for the length of time during which I have occupied your attention; but as I had not on former occasions an opportunity of stating my opinion on the different branches of the question, I was anxious to explain myself now on that account more fully than I should otherwise have ventured to do. I sit down with giving my assent to the noble Baron's amendment.

The Earl of Liverpool would not have thought it necessary to have troubled the House on the present occasion, had it not been for the speech of the noble Earl, in which he had referred to his statement of the other night. The noble Earl had thought of arraigning his noble and learned friend. He would tell that noble Earl, however, that there was no act done by the noble and learned Lord in the years 1801 or 1804, in which not only he (lord Liverpool), but every other person then concerned in the Government of the country, was not equally responsible; and to the

whole of them, therefore, for any acts then done amiss, did blame equally attach. The noble Earl, in some of his observations, which were pointed against the noble and learned Lord, had selected the wrong person on whom to fix them. When the noble Earl alluded to something as having fallen from the noble and learned Lord, importing that there was no necessary suspension of the Royal Prerogative, the noble Earl referred not to any statement of that noble and learned Lord, but to one made by him (lord Liverpool) in that house, and by his noble friend on the cross bench (Lord Sidmouth) in the other House of Parliament. He would take on himself to say, that, during the periods alluded to, not an act had been done which had not first received the full sanction of his Majesty. He not only denied any step having been taken without the authority of his Majesty, but even any attempt having been made to that effect. If the question, however, were to come to this, he would ask, what had been the course of Parliament, in such a situation? Was it not to allow an interval for the resumption of the Regal Authority? Had that been the practice of Ministers alone? Had it not also been adopted by the House, and been countenanced by the concurrent opinion of Parliament? Was not such a line of proceeding proper, too, for the prevention of similar measures to that which they were now unfortunately called on to adopt? Was not such a proceeding deemed necessary by their Lordships on the 30th of last November, that they might see if such a measure should ultimately be necessary? He was aware that the disorder with which his Majesty was now afflicted, was one of the most calamitous that could be conceived. He knew, however, that there were persons who had wished to represent another calamity, with which his Majesty had for some time been afflicted, namely, the loss of sight, as one reason why he should not be conceived adequate to the discharge of his regal functions. On this subject, however, he had the very best evidence he could desire, namely, that of the noble lords on the other side, themselves, during the thirteen months they were in the service of his Majesty. He knew what was their opinion on this subject, when they came into power; he knew what was their opinion on the subject while they continued in power; and he knew what was their opinion on the same subject, at the time they were dismissed from power. They knew that his Majesty,

during the time they were in office, laboured under that infirmity; but they never called for any interference of Parliament on the subject. So far from doing so, they went on as if there was no existing infirmity, and so would any administration, so long as they could do so consistently with the good of the country. As to the question now before the House, he should content himself with saying a very few words.—The point to be considered was, not how far the prerogative ought to be granted, but how far it was necessary to be granted. Noble Lords on the other side asked, why did not the restrictions extend to the Army? His answer was, the safety of the country required that they should not. But were the prerogatives now sought to be withheld, necessary for the temporary power of the Regent, or for the resumption of it by the Sovereign?—On the question of time, he should say nothing, as that had been sufficiently spoken to by his noble friend on the cross bench. It was now clear that the disorder under which his Majesty laboured, was to be judged of, not by its duration, but by its symptoms. All the relapses his Majesty had experienced were of different durations; the most probable endurance of the present affliction was to be calculated at from twelve to eighteen months, and the medium was the criterion rather to be looked to. As to the inconvenience of the restriction, he could not see how this could be affected by its terminating in August, rather than in February; and, surely, the period of its endurance must be a matter of less consideration with those who thought the restriction itself of so little importance. As to the period at which the present question was debated, he should not enter at length on what had been said on that subject. Noble Lords on that side of the House had confined what they had said to the personal character of the Sovereign, and had not extended their remarks to the political measures of his Majesty's reign. The noble Earl on the other side, however, had turned his observations to a contrast between the present time, and the situation of affairs in the year 1760.—He was not afraid to meet the noble Earl on this subject, and fairly to consider the contrast. He was not afraid of considering it in every point of view; of sifting it to the bottom; and of taking it in every bearing the question would admit of. What was our navy then? what was it now?—What was our army then? what was it now?—What was the state of our finances then? what

was it now?—What were our trade and commerce then? what were they now?—(*Hear, hear!*) He did know, that by a Providence, for which no man could account, and which none could control, there had arisen a Colossal Power which had swallowed up within itself almost the whole of the other Powers on the Continent. But if this Power had so exalted itself, was it not also known even to that Power itself, that Great Britain alone was capable of standing forward and resisting all her efforts? That she was able to provide for herself; and that she was in this proud situation, that every man not born an Englishman panted to be so? The greater, therefore, the power of that mighty State was, the greater was the power of this Country in being able to withstand her. And to the virtues of our Sovereign were we indebted, in no small degree, that such was now our situation.

His Royal Highness the Duke of Kent said it was not his intention to trespass on the time of their Lordships. He rose simply with the view of stating, in a few words, the ground of the vote which he should give to-night. He objected to any restriction whatever; but as a choice between a greater and a lesser evil, he must prefer that those restrictions, of which he totally disapproved, should exist for six, rather than for twelve months. His only wish in rising was, that he might seem to preserve a proper degree of consistency.

Lord Viscount Sidmouth begged leave to advert to what had fallen from the noble Earl (Grey) as to the conduct of the Government in the years 1801 and 1804; and he must affirm, in the presence of their Lordships, and of the Country, that there was not one act to which he was a party, nor one word he had uttered on that occasion, which he was not now ready to avow, and, when called on, to vindicate. He did not wish to narrow his responsibility to any acts of his own individually, but to claim his full share along with every one of his Colleagues. He should be ashamed were he to shrink from his responsibility, placed in the situation in which he then was by his Majesty. He knew it was not fit now to enter into a minute explanation on the subject; but this he must be allowed to say, that, with all respect for the individual giving the evidence, the statements made by him respecting his Majesty's health in the year 1801, excited not only in his mind, but in the minds of other persons, and particularly in the mind of an illustrious Person, more peculiarly interested, and more likely to have made observa-

tions on the occasion, the utmost degree of surprise and astonishment. But as to the conduct of Ministers at that time, there was not one word uttered by them on this subject, that he was not fully prepared to vindicate. As to the statement of Dr. Heberden as to the situation of his Majesty from February to April 1804, the evidence given by him was calculated to convey a different interpretation from that which Ministers entertained at the time, from the unanimous opinion of the Physicians, of whom he (Dr. Heberden) was one. His Lordship did not mean to say, that this proceeded from any thing improper, or that he wished to do wrong; but those who then acted with him (Lord Sidmouth) did not think it necessary to overload the Report, by introducing into it all the circumstances which induced them, at the time, to come to a different conclusion from that now expressed by Dr. Heberden. They were now, however, and at all times should be, ready to enter into it. He could say for himself and his colleagues, that they were ready to justify their conduct in every particular; and for himself, he was ready to answer for all his colleagues, and more particularly for the noble and learned Lord.

The *Duke of Gloucester* rose for the purpose of stating in a few words the grounds of the vote he was about to give. He had on a former occasion voted against restrictions altogether; but their Lordships had passed a Resolution declaring that there should be restrictions, and to that Resolution the Bill must conform. He had then only to endeavour to make the term of the restrictions as short as possible, and would therefore vote for the Amendment.

Lord Moira observed, that the noble and learned Lord's (Eldon) name had been particularly mentioned, because the evidence respecting the suspension of the Royal functions in 1801 and 1804, in an especial manner applied to his conduct, though it also involved two other noble Lords (probably Liverpool and Sidmouth). His Lordship then adverted to the respect which the Ministers had always expressed for the precedent of 1788-9, and asked, whether there was any thing in that, any thing in the proceedings of Mr. Pitt at that period, like their present conduct? Whether Mr. Pitt had done any thing during the King's illness, except what was absolutely necessary? And even then, whether he had not stated the necessity to Parliament, and obtained its concurrence? The noble Secretary (Liverpool) stated that his conduct and that of his colleagues was guided by a princi-

ple entirely opposite. They had rather, they had said, take upon themselves the responsibility than apply to Parliament. With regard to the transactions in 1804, his noble and learned friend had stated that he had not taken a single step without the opinion of the Physicians in his pocket. But what said he now? He represented the opinions of Physicians as quite inconclusive; and how then could he rest upon that ground for his justification? His Lordship admitted that this question was premature, but the time would come when his noble and learned friend's plea of merit must undergo a more formal discussion.

On the subject of the restrictions, the noble Secretary had not thought it necessary to dwell, after the unanswerable arguments of the noble Lord on the cross bench (Sidmouth). But it was hardly possible to conceive how these arguments could be considered as unanswerable, when they had been so completely answered by his noble friend near him, that not even a vestige of them remained. Had they not the Constitution—had they not the speech of his noble friend against those arguments?—a speech so argumentative, so brilliant, and so convincing, that he could not conceive how there could be a moment's doubt. To those who believed, like him, that the prerogatives of Royalty were given for the benefit of the country; that these prerogatives had been accurately measured by the necessity, and that they were sitting there as the representatives of the people; it must be clear that the people had a right to the advantage of the full powers of the Crown, and that whoever attempted to invalidate that right, might deceive himself, but could not overturn the principle. The disadvantage of this proceeding was, that it formed an experiment for curtailing the Royal prerogatives. In looking at the period of 1788-9, it ought to be remembered, that the country was then at peace, and under no apprehension of dangers from abroad; whereas now it was placed in that most critical and dangerous situation which his noble friend had described. They tell us in answer to this, continued his Lordship, of the internal strength and resources of the country: I know the resources of the country, and confidently rely upon them for ultimate success against all the means that can be employed for our destruction. But if the unhappy moment of invasion should come, the country must be defended, not by the voice of Government, but by the energy of the people. If that unfortunate time should arrive, which Heaven forbid, think

what a shock the institutions of this country might have to encounter: think in what a situation your Lordships might be placed. I have no doubt that such a time would be a triumphant period for this nation—but what would they, "who plucked up drowned honour by the locks," say of those governors who had exposed their fields to ravage—their houses to plunder—their wives and daughters to violation—themselves, their relations, friends, and fellow-citizens to all the calamities with which such an event must be attended? Is it with such men that they would choose to share their triumph? Whatever may be the resources of the country, it is our duty, at present, to use every means to maintain the Constitution and the Government, that we may either prevent the evil altogether, or be prepared to encounter it with every possible advantage. It is certain, that now we are almost shut up in our isle. Our force, naval and military, is indeed large, compared with that of former times. But the force of a country is comparative. Take, then, our present force, and say whether our strength and influence are as great in comparison with the means of our enemies, as they were at former periods of our history? Compare our influence on the Continent in 1760, the triumphant period at which his Majesty ascended the throne, with what it is now—and then say whether our comparative situation is improved?

Adverting to the amendment, his Lordship then observed, that he still adhered to the principle, that there ought to be no restrictions at all; but when he had only a choice of evils, he must choose the least, and on that ground would vote for the amendment. He had not the remotest notion that the Prince would improperly exercise the power, though it were placed in his hands. A sense of decency, of duty, and regard for his father, would form a stronger restraint upon him than any clause they could frame. He held the restrictions to be an unconstitutional check upon the most powerful springs of meritorious exertion—they might prevent the placing on the Woolsack an individual the best qualified to sit there, and would operate in a thousand other ways to the disadvantage of the country. Their Lordships having, however, resolved that there must be restrictions, he would vote for the shortest period of their duration. His Lordship, then referring to the evidence of the Physicians, remarked, that Doctor Willis had stated that they judged of the duration of the malady by its peculiar

symptoms, and asked whether the assumption upon which a speedy recovery was expected, had not been overthrown by the subsequent relapse of his Majesty? He concurred, therefore, with the noble and learned Lord on the Woolsack, though not on his principle, that they were as much at sea as ever, and that they could not assign any particular period for the King's recovery. All, indeed, must anxiously wish for that period; but, painful as was the duty they had to discharge, they were the more bound to perform that duty manfully. Before he sat down, he must say a word respecting the statement of the noble Lord on the cross bench (Sidmouth). He had stated, that neither he nor the noble Secretary had thought fit to cross-examine Dr. Heberden, because the evidence with regard to the period of 1804 did not apply to the particular object of the late inquiry. Dr. Heberden had said, that during the interval between the 12th of February and the 23d of April, his Majesty had not completely recovered. His Lordship had stated, that on the 9th of April a Cabinet Council had been held—(Sidmouth, "No;") his Lordship had at any rate mentioned the 9th of April; but when he did so, had he recollected the 9th of March, when his Majesty had signed a Commission for passing Bills? The evidence was, that the appearances of indisposition had continued, more or less, up to the 23d of April; and therefore it was clear that till that very day, his Majesty had not been in a situation to sign a Commission. His Lordship and the noble Secretary were present at the Committee, and why had they not cross-examined Dr. Heberden on this subject? He had a right then to assume, till they explained their conduct, and their Lordships, he trusted, would call for the explanation, that they had not conducted themselves properly. He had a right to this inference; and he hoped their Lordships, sitting there as the guardians of the Constitution, as the representatives of the people, would apply their just jealousy to this consideration, whether they would allow the Government of the country to continue in their hands, who, to say the least of it, had so loosely managed it on a former occasion.

The Lord Chancellor observed, that the noble Lord opposite (Grey) ought not to have selected him in particular for animadversion, without doing him the justice to state that he had been supported in his conduct by several eminent men. He did not say that on this account alone he ought to be held innocent; but it was at least some argument

against the severity of the noble Lord's censures. His Lordship then stated, that in what had passed from January 1801 till the 14th of April, he had no concern as a member of the Government. He had then accepted the Seals, under circumstances when he could have no motive for it but the commands of his Majesty. It was true his Majesty's indisposition had continued after the 14th of April, but he knew of no act done at that time for which his conduct could be called in question. With regard to the period of 1801, there were then in the Council many illustrious persons; and he observed a noble Lord opposite, then first Lord of the Admiralty, who had been present at the examination of the Physicians, and had concurred with them in the line of conduct which they had pursued on that occasion. He did not mean to found his claims to innocence upon the eminence of those with whom he had acted; but he affirmed, that they had repeatedly examined the Physicians, all of whom had agreed, that on the 9th of March his Majesty was fully competent to do the act which they had advised him to perform. The question then was, whether he, under such circumstances, ought to have acted as he had done, when a most important task remained to be executed, or to have left the country to shift for itself? If he had had the smallest doubt of his Majesty's competency, he would have taken it upon himself to have given the Royal Assent, and trusted to an indemnity, or have come to the House and made the declaration which he submitted to their Lordships on the 1st of November. But he had then no doubt; and he asserted, that it was most important to the Sovereign that the Chancellor should not depend wholly on the evidence of the Physicians, if he himself thought the King perfectly competent to discharge the functions of the Royal authority. God forbid that he should ever be in a situation to act upon that principle—the consequences might to him be dreadful—but, whatever might be the distress and dangers of such conduct, he would meet them all. But he had not acted in 1804 without the concurrence of the Physicians. He remembered that a great man, now no more, Mr Pitt, had expressed his astonishment, when he found that he had never seen his Majesty except in the absence of those who had been in the habit of controlling him. He knew the dangers of this proceeding; but he had determined to see his Sovereign, and judge of his complaint, when he was as free from restraint as many of his subjects, whom it had been his

painful duty to examine under similar circumstances. This was very hazardous to himself—but he had done his duty without being deterred by fear of consequences. His Majesty on the 9th of March understood the duty which he (the Chancellor) had to perform better than he did himself. This he believed he could prove. If he had acted wrong, it was with the best intentions; and those would acquit him in the sight of God, if not in the opinion of his country.

Earl Grey, in explanation, stated that he was perfectly aware that the noble and learned Lord had not been in office at the beginning of 1801; but he had only referred to this as a preliminary part of his argument with regard to the transactions of 1804. What he had charged the noble and learned Lord with was his misconduct, as he conceived it, in 1804: and with respect to the complaint of the noble and learned Lord, that he had been selected from the Government as a subject of animadversion, it was sufficient to observe that this was justified by the theory and practice of the Constitution. The noble Lord had done the act of putting the Great Seal to a Commission, at a time when his Majesty was incompetent, and for this he was individually responsible. The Constitution knew nothing of the Committee called a Cabinet. Every individual Minister was responsible for his own conduct. It was on that account, and not from any personal hostility, that he had accused the noble Lord in particular. He had done the act which he blamed, and for that he was constitutionally responsible. He must beg it to be understood, that he did not consider the noble and learned Lord's defence at all satisfactory. He had no doubt of the innocence of the noble Lord's intentions; but the question was, whether he had been guilty of a violation of the Constitution? It was not the removal of the persons appointed to control his Majesty from the room in which he saw his Chancellor—it was not their removal from an anti-chamber that would justify a Minister in acting as the noble and learned Lord had done. The absence of all idea of control from his mind was necessary before the Chancellor could have in his name exercised the Royal authority, and adopted a line of conduct which, in this case, he could consider as nothing less than usurpation. It appeared that, up to the 10th of June, his Majesty had been attended by Dr. Simmons and his servants, and therefore had the idea of control impressed upon his mind. Their Lordships were then called

upon as Peers of the Realm, as guardians of the Constitution, and of the liberties of the people, not to suffer this usurpation to pass without taking effectual measures to prevent the recurrence of such conduct in future. On the 7th of May, 1804, at the time his Majesty was thus under control, the union of the two great political rivals (Mr. Fox and Mr. Pitt) had been in contemplation, but had been prevented. This too was a subject for serious consideration. He was adverse to all restriction; but anxious that the Bill should be as little objectionable as possible, he would vote for the amendment.

The Lord Chancellor said, that if either of the noble Lords who had spoken should assert that he was responsible singly for any act which he had done in the exercise of his duty, instead of expressing his belief to that effect, there were no terms which could be used in a society of gentlemen in which he would scruple to contradict that assertion.

Strangers were immediately ordered to withdraw, and the House divided on the question of Lord Grenville's amendment.

Contents	84	Not Contents	88
Proxies	38	Proxies - -	51
	122		139
Majority for Ministers - - -			17

On the second division the numbers were—

Not Contents	86	Contents	88
Proxies -	38	Proxies	51
	124		139
Majority - - -			15

After some conversation between the Marquis of Lansdown and the Earl of Liverpool,

The Marquis of Downshire rose and observed, that the state of Ireland, and the necessity that existed there of a firm and vigorous government, was a sufficient ground with him to oppose any restrictions on the Regent, under the present circumstances of the empire. The security which was enjoyed in this country, was not equally shared by the Sister Country, where there was no legislative assembly, and where the same political opportunities and advantages did not exist.

Lord Boringdon said, he had voted against the original

clause, and for the amendment of the noble Marquis (Lansdown). He had regarded it as creating, after a delay that might have been highly mischievous, an anomalous arrangement; an arrangement irreconcilable to any of the principles of our monarchical Constitution. The amendment, too, he conceived open to objection, since, instead of simplifying the office of the Regent, which as nearly as possible should be *simplex duntaxat et unum*, it went to impose on him an ungracious and invidious task. The noble Lord, after some further observations, stated that he would move an amendment on the amended clause.

Earl Moira differed in opinion with the last speaker, but delivered his remarks in so low a tone of voice as to prevent us from collecting the precise import.

Lord Boringdon explained.

The Marquis of Lansdown said, that although he did not wish to occupy the time of the House, or to protract the discussion at so late an hour, he must say, that he could not adopt the suggestion of his noble friend (Boringdon). It appeared to him, from all that had fallen from different noble lords, and from the prevailing sentiments in the House, that on the great outline of the measure in contemplation, there was little diversity of opinion. It was his proposition, that whatever could conduce to the personal comfort of the Sovereign, should be secured to him. With this view it was that he deemed it expedient that one officer in each of the departments of the Household should be retained in the service of his Majesty, and that in the offices of Chamberlain, of Master of the Horse, and Steward of the Household, persons should be nominated to surround and attend the Sovereign. The Groom of the Stole, as a situation of considerable importance in the particular view in question, he thought should belong also to the service of his Majesty. He believed those best acquainted with the habits and feelings of the King, would agree with him, that these persons, with the addition of some of the Equerries, would suffice to accomplish the object in view, and make the arrangement effectual to its purposes. This was the outline of the plan which appeared to him most advisable; and he assured his noble friend that if he had not moved, it was only because it was a subject involving matters of account and much minute detail. It would be of importance too that a power of control over the whole should be vested in the Board of Treasury. It was well known, and had been lately remarked by

his noble friend (Lord Grey), that for some time there had been an excess of expenditure on the different branches of the Civil List; and he could not coincide with his noble friend, whose motion he must therefore resist, in thinking that any odium could attach to an illustrious Person in giving effect to an arrangement calculated to secure objects of such importance. He confessed that his own system was not free from inconvenience; but at the same time it was infinitely preferable, both on constitutional and every other ground, to the plan proposed by Ministers, which indeed surmounted every difficulty by abandoning every principle.

Lord Boringdon shortly explained.

The Earl of Liverpool did not think that the objection made by the noble Marquis (Lansdown) to the regulation of the Household could be fairly drawn from the points in which it differed from the plan proposed by the Bill of 1789. At that period the restrictions over the Household were unlimited, and those respecting the power of creating Peers were to have held for three years: therefore whatever objections might have existed at that time against the regulation of the Household then proposed, could not be brought to bear against the plan now before their Lordships; because such objections were not so much against the restrictions, as to the restricting without any limitation whatever, a principle upon which none of the objections to the present plan could rest: indeed it would be found that in every other respect the plan proposed in 1789 for the regulation of the Household, met with but inconsiderable opposition; the main objection being, not to the principle of the measure, but to the unlimited period of its operation; that being the case, it followed that the thing most desirable was to make the plan, with the exception of the unlimited time, as like the one in 1789 as possible, and that to leave the Household as nearly as possible in the same state in which it was intended by the Bill of 1789 to have been left.

With respect to the apprehensions thrown out by the noble Marquis, of the want of due control in the Treasury to regulate or correct the excessive expenditure of the Civil List, he did not think those apprehensions well grounded. He believed, for his part, that there was virtually a control in the Treasury, which would be found competent to prevent any such abuses. He believed that the Lords of the Treasury were in the habit of receiving quarterly estimates of the Civil List expenditure, and that it was not unusual for the

Treasury to object passing the accounts, in case they deemed the expenditure to be wanton or excessive. Before he sat down, he must advert to one objection, which he admitted to be not without its force, he meant that respecting the vesting no adequate control in the Queen over that part of the Household committed to her. He confessed that he should have preferred the clause as it stood in the Bill of 1789; but as their Lordships had decided otherwise, he chose the present plan as the next best to that which vested the whole control of the Household in the Queen, which he acknowledged he should rather do. He concluded, by repeating his opinion as to the existence of a virtual control in the Lords of the Treasury over the expenditure of the Household.

Lord Grenville said, that he had no hesitation in affirming it as his decided conviction, that of all the plans that human ingenuity could have devised to meet the present exigencies, the one then before their Lordships was the very worst! Defective in the principles by which it professes to be governed—injurious in its details to those feelings which it affects to consult—weakening that authority, the defect of which it was meant to supply—unnecessarily controlling the Regent, and giving the government into the hands of a set of irresponsible subjects, without any control whatever. To these, or any of them, he never could give his consent—he never could consent to vest the virtual powers of the Executive—the actual government of the country, without any responsibility in any class of his fellow subjects, however respectable they might be. The noble Earl had compared the present clause with that in the Bill of 1789; but the comparison had proved, that though there might be some apology for that of 1789, there could be none at all for the one now before their lordships. He begged of their Lordships, before they gave their vote, to consider, and it well deserved consideration, in what a situation this clause must place every part of the Royal family; from the Sovereign it took away all the ordinary securities for faithful and assiduous attention, and for the securing to his Majesty every possible convenience and accommodation—from the Regent, it took away every kind of control over every officer of the Household, unless, indeed, the two left to him were excepted, an exception which shewed more like mockery than a serious wish to leave to the Regent even a small portion of control in a department so necessary to the dignity of the high station

they had invited him to fill. But even this, objectionable as it undoubtedly was, would have appeared to him much less objectionable, if the control that had been taken from the Regent, had been transferred to the Queen, believing, as he (Lord Grenville) did, in the spirit of that equal and profound respect for every branch of the Royal family, that the power taken from the Regent, and transferred, would be substantially and effectually exercised by her Majesty, in trust for the Prince; and that whatever was vested in the Regent, would, with respect to her Majesty, be exercised with a corresponding confidence and accommodation—and that both would be equally solicitous to act up to the trust reposed in them, considering themselves as Trustees and Trustees only. But how did the plan now before their Lordships go to enable those illustrious personages to discharge their high trust? Was it by depriving them of all the means of enforcing the discharge of it? It placed the whole efficient power under four great officers—They had the control denied altogether to the Regent and the Queen—they had no control from the highest lord in the Household, down to the lowest menial—there was not a Page of the House, or a Groom of the Stable, which they had the power of removing, however grossly they might violate or neglect their respective duties. And where then was power or control of any kind vested? With a set of individuals, in whom, however much he might personally respect them, he could not, as subjects not responsible, consent to lodge uncontrollable power. No one felt more personal respect for the noble lords than he did—with one of them he had lived long in habits of private friendship, a friendship which no political difference had ever yet been permitted to disturb; to another of the noble lords, he had the honour to be related; and for a third, he felt unfeigned respect; but no considerations like these should be allowed to interfere with a question of this kind. The control of the Household should be in its fit place—it ought not to be usurped by any number of the King's subjects; if it can be left, with convenience, to repose in the King—why, there let it remain: but if it be indispensably necessary to transfer it for a time to a Regent, let that regent have it, and have it in such a manner as that he can exercise it; or, if it be thought advisable to divide that influence with the Queen, let the control go along with the trust, and render it effective. The noble Earl (Liverpool) had told them that there was vested in the

Lords of the Treasury a power to correct and control the expenditure of the Civil List. The noble Lord's information on this head did not appear to be as accurate as might have been expected from his experience. The fact was, that no control whatever was vested by this Bill in the Lords of the Treasury over the expenditure of the Household. They may disapprove of the unnecessary or excessive expenditure of any one quarter, but they could not refuse to pay the demands made on them by the great officers under the provisions of the Bill as it now stood. It might be asked; how would he have contrived at a former period, when in office, to resist any such demands? There was no analogy, because in that case he had the support of a gracious Master; but where, under the present provisions of this Bill, was there any such power to interpose and determine between the two departments, the Treasury and the Household? In that case the King could decide in the last resort between the Lord Chamberlain and the Lords of the Treasury; whereas here there is no such or no similar interference required, or indeed admitted of. How then, he asked, was the due observance to be enforced upon either side, of those duties which belonged to both? Were the demand ten-fold, or an hundred-fold greater than appeared to the Lords of the Treasury, still there was no remedy—the law compelled them to pay it. He knew what he was saying—he knew himself to be correct—he would stake his credit upon it—if any noble lord doubted it, he could produce the law and read it. He was clear that he could not be contradicted. Nay, if the Lords of the Household chose to be extravagant, they not only could not be controlled, but their extravagance might have the consequence of stopping the payment of our Ambassadors, of even the Judges, and not the Judges only, but the Royal Family. The noble Lord then concluded by expressing his determination, before their lordships rose, of proposing the clause as it originally stood in 1789—and then, said his Lordship, I shall see who will oppose it, and hear, I hope, the grounds of their opposition.

Their Lordships then divided on the original amendment of the Marquis of Lansdown, which, our Readers may recollect, proposed to vest the control of the Household generally in the Prince, subject to certain restrictions, to be provided for in a future Bill.

For the Marquis of Lansdown's amendment,

Contents	83
Not Contents	86

And the amendment being thus negatived by a majority on the side of Ministers of Three, Proxies were not called.

Lord Clancarty then moved his amendment, which went to designate by name, the particular Officers of the Household which were to be given to the Regent—and to nominate those who were to be placed with the Queen, for the care of the King's person.

Upon this the House divided,

Contents, Peers present, 86	Proxies 39	Total—125
Not Contents, Ditto - 82	Ditto 51	Ditto 133

By which the amendment was carried by a majority of Four of the Peers present, but lost by a majority of Eight in all.

Upon our re-admission, we found Lord Grenville upon his legs, adverting to a clause in the Bill of 1789, which had been studiously omitted in the present Bill. Ministers had copied every clause in the former Bill which could contribute to their own power, but had omitted what was absolutely necessary for the purposes of due economy and control. The clause to which he alluded in the Bill of 1789 went to prevent the expenditure of the Household in any one quarter from exceeding, by 3,000*l.* the expenditure of the corresponding quarter in the preceding year. In the present Bill that clause was omitted, and there was no control whatever in the expenditure of the Household. He therefore moved a clause, enacting, that the expenditure of any one quarter should not exceed by more than 3,000*l.* that of the corresponding quarter in 1810, and that the expenditure of the whole year should not exceed that of the year ending the 5th January 1811.

The Earl of Liverpool opposed the clause, and contended that the Treasury would have a sufficient control over the expenditure.

Lord Grenville denied the power of the Treasury to control the expenditure of the Royal Household, and observed, that the King alone could interpose between an economical Treasury and an expensive Chamberlain.

The House then divided on the question that the Clause be inserted in the Bill—

Contents present - - -	85
Not Contents, ditto - -	81

Being a majority of Four of the lords present in favour of the Clause.

Proxies were then called on the part of the Ministerial minority, and there were found to be of Proxies—

Contents - - - - -	39
Not Contents - - - -	51

Making the whole numbers—

Contents - - - - -	124
Not Contents - - - -	132
Majority against the Clause -	8

On our re-admission *Lord Grenville* was observing that it was perfectly consistent that the clause should be carried by a majority of the lords present, who understood the nature of it, and negatived by the proxies of lords absent, who were wholly ignorant that any such clause had been proposed.—His lordship then proceeded to remark upon the studious omission, in constituting the Queen's Council, of every one connected by family or interest, or in any way, with Ireland, but which indeed was consistent with those ministers who, in the Bill as originally proposed, would have actually prevented the Regent from visiting Ireland. His Lordship concluded by proposing to insert, after the words "Edward, Archbishop of York," in the list of the Queen's Council, the words "William, Archbishop of Armagh."

The Earl of Liverpool opposed the motion, observing, that the Archbishop of Armagh was obliged to reside a part of the year in Ireland. As to the omission of Ireland, it arose from copying the Bill of 1789, and the mistake was rectified in the motion of the hon. gentleman who brought in the Bill.

Lord Grenville said, he was right in his former statement, that in the Bill, as proposed by the King's Ministers, Ireland was omitted.

The question was put, that the words, "William, Archbishop of Armagh," be inserted, and negatived without a division.

Earl Stanhope spoke at some length relative to the forms-

tion of the Queen's Council, and the members of whom by the Bill it was appointed to consist, observing that it was at least necessary to have some members in whom they could place confidence to watch the others. His Lordship concluded by moving to insert after the words "Edward, Archbishop of York," the words "John, Duke of Bedford."

On this motion the House divided,

Contents - - -	68
Not Contents - - -	86
Majority - -	18

Proxies were not called.

Lord King, after some few preliminary observations resting on the fact proved by unquestionable evidence, that during his Majesty's incapacity in the year 1804, the Royal Assent was given by commission to fifteen Bills, and therefore conceiving the conduct of the Lord Chancellor subject to much suspicion, moved that the name of John, Lord Eldon, should be withdrawn from the Queen's Council.

The Earls of Buckinghamshire and Westmoreland opposed the motion, and passed a warm panegyric on the conduct and character of the Lord Chancellor.

The House then divided, when the numbers were:

Contents - -	54
Not Contents - -	139
Majority - - -	85

Some other clauses were then proposed by Earls Grey and Lauderdale, which were negatived without a division.

HOUSE OF COMMONS.

THURSDAY, JANUARY 31.

REGENCY BILL.

The Chancellor of the Exchequer moved the order of the day for taking into consideration the Amendments sent down by the Lords. The order having been read, the Amendments were severally read and agreed to without any observation, and Mr. Perceval and other members were ordered to carry the Bill to the Lords, and acquaint their Lordships that that House had agreed to their Amendments.

Mr. Whitbread said, that he had intended to make one or two observations upon the question respecting the amendments; but having missed the opportunity, he did not then rise to go into any detail; he had already explained his sentiments too fully not to be understood, as to what were his sentiments upon the Bill itself, whether as to the vice of its principle, its injurious provisions, or their mischievous consequences. Upon all these he had already said enough; but as upon a former occasion he had expressed his suspicions of his Majesty's ministers a few years back, having been guilty of an undue exercise of the Royal Authority, of their having usurped that authority at a time when it could not have been legally exercised; and as, from what he has since learned, he had reason to believe that those suspicions were well founded, under such circumstances he felt it is duty to state, that, as soon as a Parliament was regularly assembled, and in case no other member should think fit to do so, he should make it his business to bring it before the consideration of that House, and leave it to them to found any proceeding upon it they might judge proper.

The Chancellor of the Exchequer said, that he felt as little inclined as the honourable gentleman could be, to renew a debate which had already been carried to such extent; nor should he now do so, notwithstanding that the honourable gentleman had arraigned the vice of a Bill to which he had just given his assent; neither should he refer to their past discussions upon that Bill, farther than by saying, that the sentiments he had stated during that discussion were unchanged, and that he had had the good fortune to have had with him a majority of the House in confirmation of the justice of those sentiments. With respect to the other topic, as he considered what fell from the honourable gentleman as a notice, he should not now go into a detailed explanation, but content himself with saying, that he should be ready to meet the charge. He, no doubt, had no more personal knowledge of the transaction than the honourable gentleman himself; but from the information he had received upon that subject, an information on which he rested the most complete reliance, he had no hesitation in stating, that if the information he had received was true, of which he had no doubt, he should be fully prepared to meet any charge which the honourable gentleman might think proper to bring forward; and upon

the same grounds, he was equally confident, that he should be able to satisfy the House, that the act complained of was done under the immediate sanction of that very authority of which it has been presumed to have been the violation; but as he understood the gentleman's observations to be meant as a notice merely, he should for the present abstain from going into any detail.

Mr. Whitbread said, that when the right hon. gentleman taunted him with assenting to the Bill he had complained of, merely because he (Mr. W.) had inadvertently omitted to announce by his voice his dissent—when the right honourable gentleman descended to make such a trivial objection as that, he did that which certainly could not either much assist him, or depress others; as to his (Mr. W.'s) opinions, he had said that they, as well those of the right honourable gentleman, had remained unchanged; and as to the promises held forth by the right honourable gentleman as to what he should be able to do when the matter should come to issue, he (Mr. W.) could only say, that it would be very satisfactory to the public, if the right honourable gentleman could establish by proof, what he had so laboured to establish by assertion. Here the conversation dropped.

HOUSE OF LORDS.

PROTEST.

AGAINST THE REJECTION OF LORD KING'S MOTION FOR OMITTING THE NAME OF "JOHN LORD ELDON," AS ONE OF HER MAJESTY'S COUNCIL, JAN. 18, 1811.

DISSENTIENT,

First, because it is of the highest importance, that in the appointment of her Majesty's Council the public should have every security, which previous conduct can afford, that the persons composing the same will not act under any undue bias; but that whilst they follow the course prescribed to them by their duty for restoring his Majesty to the public exercise of his Royal functions, whenever he shall be in a capacity to resume them, they will neither expose his Majesty to the danger of a too early pressure of business, nor concur in representing his Majesty as qualified to act in his high office, before his recovery shall be complete.

Secondly, Because it appears by the evidence of Dr. Heberden, taken on oath before a Committee of this House, "that he was first called upon to attend his Majesty on the twelfth of February 1804; that he believed his Majesty presided at council on the twenty-third of April following; and that he should consider the interval between those periods as constituting the duration of his Majesty's disease at that time." Yet nevertheless it appears from the Journals of this House, that between the two days above mentioned, John Lord Eldon, being then Lord High Chancellor of Great Britain, did, on the fifth of March 1804, receive, and in his Majesty's name signify, his Majesty's consent to a Bill, intituled, "An Act to enable his Majesty to grant the inheritance in fee-simple of certain manors, messuages, lands, and hereditaments, in the parishes of Byfleet, Weybridge, Wallin, Wallinleigh, and Chertsey, in the county of Surrey, to his Royal Highness Frederick Duke of York and Albany, for a valuable consideration;" and that he did also put the Great Seal to a Commission dated 9th of March, by virtue of which fifteen Bills received the Royal assent; as well as to a Commission dated March 23d, under which seventeen other Bills received the Royal assent; although his Majesty was, at that time, as appears by the evidence above recited, afflicted by a malady of the same nature and character with that which has now occasioned a suspension of the Regal functions.

Thirdly, Because it further appears from the same evidence, "that after the period when his Majesty was so far recovered as be to able to transact business at any period of any day, he still retained such marks of indisposition about him as made it expedient that some one of his physicians should be about his person for some months afterwards; and that Dr. Heberden was in attendance on his Majesty so late as the end of October;" and it was stated in debate, and not denied, that, during this latter period, and particularly on the 10th of June, 1804, when it was understood and believed both by this House and the public, that his Majesty was perfectly recovered, his Majesty not only continued in a state which required medical guidance, but that both Dr. Simmons and his assistants were still in attendance on, and possessed a control over his Majesty; yet, that nevertheless, while his Majesty was still subject to such personal control, the said John Lord Eldon, as Lord High Chancellor of Great Britain, did receive his Majesty's pleasure

on divers important matters of his Majesty's regal government; and did, in virtue of his said office, perform various public acts requiring the sanction of the King's authority.

Fourthly, Because John Lord Eldon, having so conducted himself, is not, in our own judgment, a person to whom the sacred trust of acting as one of her Majesty's Council in the care of his Majesty's person, and in the discharge of the other most important duties, by this act committed to the said Council, can with propriety or safety be committed.

GREY	ROSSLYN
LAUDERDALE	DERBY
VASSAL HOLLAND	ASHBURTON
ERSKINE	PONSONBY
	PONSONBY, Imo.

The following Protest was read by Lord Grosvenor, in the course of his speech in the House of Lords, on Monday the 28th ult. on a question of receiving an appeal from Scotland.

"DISSENTIENT,

"Because the authority by which Parliament has now the means of deliberating, is derived from a proceeding irregular, and only to be justified by the necessity of the case; it ought, therefore, to be strictly circumscribed by the same rule, and not be permitted to extend to matters beyond the purposes for which it has been created.

"Because the above appeal has no connection with those objects to which the attention of Parliament is now, from an act of necessity, directed.

"Because, if a Parliament, meeting under the circumstances of the present, when one branch of the Legislature is incapable of exertion, should assume to itself a free scope in the objects of its deliberation, before the defect in the Legislature is supplied, subjects may be brought into discussion, by which a precedent may be established subversive of the Monarchy and the Constitution."

FRIDAY, FEBRUARY 1.

Mr. Long and several other members of the House of Commons, brought up the Regency Bill with the Amendments, agreed to.

COMMISSION FOR GIVING THE ROYAL ASSENT TO THE REGENCY BILL.

The Earl of Liverpool said, they were now arrived at a stage of this proceeding which was perfectly new, namely, the issuing a Commission under the Great Seal, for giving the Royal assent to the Regency Bill, and for which there was no precedent on the Journals of either House of Parliament. Under these circumstances, therefore, he did not deem it advisable to move at once a Resolution, authorising the issuing of such a Commission; but thought it would be more proper to lay the proposed form of the Commission on the table for their Lordships' consideration, giving notice, that to-morrow, if there was not likely to be any discussion on the question, he would move the Resolution; but if the subject was to be debated, he should then feel it necessary, to avoid the inconvenience of a debate on a Saturday, to postpone the motion till Monday. His lordship laid on the table the form of the intended Commission.

The Earl of Derby thought that a needless delay was incurred by the proceeding of the noble Lord (Liverpool), in addition to the very extraordinary delay which had already taken place, as the noble Lord might have given notice yesterday, that if the Bill was returned to-day, he would then move the Resolution. As it was, he thought it would be difficult for noble Lords to give the proposed form of the Commission, only one copy of which was on the table, a due consideration. Was it intended to summon the House? (The Earl of Liverpool answered "No.") It would then be difficult to make the matter sufficiently public for noble Lords to attend. He observed, that the usual words in a Commission for passing Bills, namely, "Having seen and perfectly understood, &c." were, in the form on the table, left out; and indeed they could not be retained under the present circumstances without a manifest absurdity. Some observations might therefore be made on the form of the proposed Commission, although not intended to give rise to a debate. He did not by any means wish to be the means of producing further delay. His sentiments respecting the proceedings of Ministers on this subject had been more ably urged by other noble Lords. He should not therefore attempt to debate the question; his opinion respecting it remained the same as in 1788 and

1789; he protested against the fictitious mode which had been adopted, of sanctioning in the Royal name the proceedings of the two Houses, and he should merely confine himself to a declaration of his dissent.

The Earl of Liverpool contended, that he could not with any regularity have given notice of his motion before it was known whether the House of Commons would agree to the amendments in the Bill—and that this was the first moment (the Bill having been just returned from the Commons) that he could, according to regular Parliamentary form, give his notice.

Lord Ellenborough suggested, that observations might be made to-morrow upon the form of the Commission and the manner of wording it, but without any intention of producing an adverse discussion, so as to lead to a division.

The Earl of Liverpool adverted to his original notice, and said he must reserve to himself the power of either moving the Resolution to-morrow, if no observations were likely to be made that would lead to a debate, or of postponing it till Monday, if a discussion was likely to arise.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, FEBRUARY 1.

ISSUE OF MONEY.

Mr. Whitbread, seeing the right honourable the Chancellor of the Exchequer in his place, wished to ask, whether certain information which he had received was correct, viz. Whether there existed in the Exchequer any warrant or warrants for the issuing of Money, signed by his Majesty, and bearing date some time between the 25th and 30th of October, 1810? Upon the answer to this question would depend whether he should feel it necessary to give notice of a motion on the subject.

Mr. Perceval admitted, that there was one warrant or two signed by his Majesty, and dated between the periods mentioned, for the issue of small sums of money. He stated, however, that it had been usual to send warrants of this description to his Majesty for signature, with the dates left blank, to be afterwards filled up. He added, that there was a Privy Seal warrant, dated the 27th of October, on

the subsequent part of which day, in the opinion of Sir H. Halford, his Majesty's disorder had commenced.

Mr. Whitbread gave the right hon. gentleman credit for his candour, and disposition to state all he knew on the subject. But it was desirable to ascertain whether it had really been the common practice to get warrants signed with blank dates, and whether any other blanks were usually left in public documents of this kind at the time of signature? He would therefore give notice of a motion, or now move, if the right hon. gentleman had no objection, that all warrants for the issue of money, dated since the 25th of October, 1810, should be laid before the House.

On the suggestion of Mr. Perceval, Mr. Whitbread deferred his intended motion to a future day.—Adjourned.

HOUSE OF LORDS.

SATURDAY, FEBRUARY 2.

AFFIXING THE GREAT SEAL.

The Earl of Liverpool said, that he rose in pursuance of the notice he had given the day before, to move the resolution authorising certain Commissioners to affix the Great Seal in the King's name, to the Regency bill, in virtue of the Commission he had yesterday laid on the table, and which he should then move to be read. His Lordship's motion being made, put, and carried *nem. dis.* the Commission was accordingly read by the clerk.

Lord Holland then rose, and said, that after the discussions that had already taken place, during the proceedings in this business, and, after the long and unnecessary delays which had occurred, it was by no means his intention to trespass long upon the attention of the House, or to start any thing that might lead to a protracted discussion; but in the view he took of the whole of this subject, and particularly of the measure now proposed to be carried into effect, he felt it to be his bounden duty to make another declaration of his sentiments, and express his entire reprobation of the proposition of the noble Earl. He considered the whole course of the proceedings as contrary to all the analogies of the Constitution, to the practice of our ancestors, and to the statute law of the land. These proceedings had already kept the country without a legal and an efficient government for the space of three months,

and might have exposed it to still greater dangers than had been felt; which was, indeed, very near occurring from the difference of opinions between the two Houses of Parliament. He contended that there was no precedent to be found for this procedure of affixing the Great Seal, by which they acted in the teeth of the statute, which declared the incompetency of the two branches of the Legislature to pass an act without the concurrence of the third. The present measure went still further than the former one, which only put the Great Seal to a Commission for opening the Parliament: whereas this went to the full extent of passing a Legislative Act. No Act of Parliament could be passed but by the Parliament, consisting of the three branches of King, Lords, and Commons: but in this case, the absurdity of a fiction was resorted to, professing to be in the King's name, when it was notorious, and had been resolved upon by the two Houses of Parliament, that the King was actually incapable of the exercise of the Kingly functions, and consequently could have no will of his own. The precedent, as it was termed, of 1788-9, was not complete: but it must be admitted, even by those who contended for it, that it was no precedent in the present particular instance, since the proceedings of that period had never reached this stage. The Lord Chancellor might put the Great Seal to this Bill, but he must do so upon his responsibility; and the same responsibility must attach to the other principal agents in this unconstitutional transaction. He should, therefore, hold them for such conduct amenable to the law of the land, until they were absolved by a bill of indemnity.

Earl Grey said, that concurring as he did in all that had fallen from his noble friend, he must take this opportunity solemnly to protest against this measure, as totally contrary to the principles and spirit of the Constitution, and as a gross violation of the duties of the two Houses of Parliament, and of the law of the land. Those who used the Great Seal in this manner were, no doubt, responsible for their conduct till they procured an indemnification. This measure would be, at best, but the measure of the two Houses assenting to their own acts, and making use of the King's Great Seal for that purpose. It was not an Act of Parliament, but a fiction, and an absurdity contrary to law. Not meaning to dwell in detail upon the subject, he must repeat his protestation against the measure,

reserving to himself, at any future day, the right of questioning the legality and propriety of this proceeding of making those who acted upon it amenable to the laws of their country.

The Earl of Liverpool said, that although he should abstain from any observations that might lead to farther discussion, he felt it impossible to let the remarks that had been made by the two noble lords opposite pass by without some notice. He never could sit silently and permit this measure to be so characterised. He was ready to maintain, that this mode of proceeding was much more analogous to the spirit of the Constitution than any other that had been suggested. The precedent of 1788-9, his Lordship contended, was of sufficient authority, and was binding on Parliament in similar cases. It was sufficiently legalized by the speech from the throne subsequently delivered, and by other transactions of that Parliament. It would now, he trusted, be confirmed by the conduct of both Houses, and would then be fully sanctioned and established legally, as a binding precedent in all future cases of the sort. Noble Lords might argue as they chose, and shew as much ingenuity as they pleased in opposing the measure, but after all, they must come to this conclusion —that some irregularity must be committed. Every other mode proposed was in itself equally irregular. In the unfortunate case of his Majesty's inability to discharge his Royal functions, there was no right inherent in any person to supply the defect. That defect remained to be supplied only by the two remaining branches of the Legislature: and the mode that had been adopted in 1788-9, and on the present occasion, he would ever maintain, was the safest and most constitutional mode that could be adopted. The Commission must run in the name of the King; and respecting its legality, he had not heard it denied by any noble Lord that all the subordinate courts of justice would acknowledge that legality, and act under the provisions of the Bill. The other proceeding, by address, was more irregular, as he had already said, and was only to be resorted to in the case of revolution, as the precedents on that point sufficiently shewed.

Lord Holland rose again to explain his opinion, which had been misconceived by the noble Earl. He denied the validity of the precedent of 1788-9, both from its total want of analogy to constitutional principles and from its having

remained incomplete. In the present instance, he complained also that even that precedent had not been strictly adhered to. He considered the proceeding as remaining to be questioned in all its parts, as well as the conduct of the actors in it; unless, as he before stated, they were indemnified by an Act of Parliament for that express purpose.

Lord Redesdale maintained that the present procedure did not involve that irregularity which was ascribed to it by some noble lords. The precedents on this subject were decidedly in favour of this mode of proceeding. The legislative enactments in the minority of Henry VI. were passed on a similar authority to that now proposed, and on no other. The only precedents which could be relied on by noble Lords opposite were precedents drawn from times of revolution and force. The first was that of the accession of Richard III. to the Throne, when the Parliament, with the Mayor and Corporation of London, addressed him (then being Duke of Gloucester) to take the Throne and Government. That was a revolution, and the measure was a measure of force. The next precedent was the case of William and Mary, which was the revolution itself, in which the same parties acted in a similar manner. It was even admitted by the managers of the Commons before the Lords, upon the impeachment of Dr. Sacheverell, that the measure of the revolution had been carried by force; they were thus proceeding against Dr. Sacheverell, for having given to the revolution a different character from that which the Commons had put upon it. The precedent of 1788-9 was regular, conclusive, and binding. It was absurd, it was a perversion of understanding, to maintain that the two Houses had the power of vesting all the Royal functions in an individual as Regent, and to deny to those the power of advising the affixing of the Great Seal to their measures for supplying the Kingly defect. The act now to be performed wanted no bill of indemnity. It was its own indemnity, and carried with it its own justification. The noble and learned Lord, then, with considerable animation, observed, that attempts had been made to deter persons from doing their duty by terror; but, he trusted that there was firmness and determination enough in those who had that duty to perform, to disregard all such attempts at intimidation. *(Hear!)*

Lord Holland rose again in consequence of what had

been said by the noble and learned Lord respecting the value and force of the precedents. In doing so, he should not make any appeal to the tribunal of that noble and learned Lord's candour; but he should appeal to the tribunal of his learning and his memory. He (lord Holland) had in a speech on a former occasion endeavoured to prove to the House that there was no precedent applicable to the case that justified the present proceeding. He had only to tell the noble Lord that if he would give him one precedent wherein the functions of the third branch were exercised, as now proposed, without the *power* of *assent* or *dissent*, he would give him his vote for the measure. *(Hear!)* He should wish to hear the noble Lord's answer to a question which he thus distinctly put. In looking back to precedents and authorities, he might be permitted, without meaning any reflection upon the noble and learned Lord, to remind him that there were persons fully equal to him in learning and wisdom who had maintained opinions very different from his. (Here he alluded to Mr. Sellon, Mr. Serjeant Maynard, and others.) In the year 1789, the precedent never had advanced to the present stage; and he had no right to believe, but as the thing was never done, he had a right to assume, that the Lord Chancellor of that day would not have put the Great Seal in this manner to a Bill as a regular Act of Parliament. This could not be called an Act of Parliament, being only the act of the two Houses assenting to their own Resolutions. There was nothing analogous to this. The Statute of Charles the Second was in the teeth of the whole proceeding. Seeing the great delays that had already occurred, and the great dangers likely to result from a farther prolongation of the business, he should not make any farther observations, than to repeat once more his conviction of the responsibility of those who acted for such a purpose under a Commission, with the Great Seal put to it in the manner and under the circumstances as proposed.

The Lord Chancellor then proceeded to put the question on the Resolution, which passed *nem. diss.*

The Earl of Liverpool then moved to fill up the blank with the words "The *fifth* (as we understood) of February," which was agreed to *nem. diss.* A message was then ordered to be sent to the Commons, desiring them to acquaint them with the Resolution passed by their Lordships.

Adjourned.

HOUSE OF LORDS.

MONDAY, FEB. 4.

COMMISSION FOR GIVING AN ASSENT TO THE REGENCY BILL.

On the motion of the Earl of Liverpool, a message was sent to the Commons, desiring a present conference in the Painted Chamber, on a matter of high importance to his Majesty and the Nation.

The two Masters in Chancery sent with the message (Mr. Cox and Mr. Steele) having returned, Mr. Cox reported that the Commons had agreed to the conference desired by their Lordships.

Shortly afterwards Mr. Quarme, the Deputy Usher of the Black Rod, came to the bar, and announced that the Commons were ready for the conference in the Painted Chamber.

The lords appointed to manage the conference, namely, the Lord President (Earl Camden), the Lord Privy Seal (Earl of Westmoreland), the Earl of Liverpool, the Earl of Glandore, the Bishop of Killala, Lord Napier, Lord Walsingham, Lord Rolle, and Lord Arden, went forth.

On their return soon afterwards, Earl Camden reported that they had communicated to the Commons the Resolution passed on Saturday, for issuing a Commission under the Great Seal for giving an assent in the King's name to the Regency Bill.

The Earl of Moira said, he did not rise to renew the debate, but for the purpose of protesting in the face of his country, which he most solemnly did, against the whole proceeding—a proceeding which he considered to be a deliberate violation of the law of the land, without the extenuation of any exigency, for the exigency might have been adequately provided for without any violation of the law.—The proceeding was not only a violation of the law, but also of all the principles of the Constitution, and led to the establishment of a precedent of the most mischievous tendency. Considering it in this point of view, he felt it to be his duty to protest against it, which he did in the most solemn manner.—Adjourned.

HOUSE OF COMMONS.

MONDAY, FEB. 4.

COMMISSION FOR GIVING AN ASSENT TO THE REGENCY BILL.

The Speaker took the chair at four o'clock, and after the routine business had been gone through, a message from the Lords was received, desiring 'a present conference on a matter of high importance to his Majesty and the Nation.'

The House immediately agreed to the conference, and the messengers being called in and acquainted therewith, the following members were appointed to manage the conference on the part of the House of Commons:

Mr. Dundas,	Sir James Shaw
The Chancellor of the Exchequer,	Mr. Kenrick,
	Sir W. Scott,
Mr. Foster,	Mr. Rose,
Mr. Long,	Gen. Phipps,
Solicitor General of Scotland	Mr. Manners Sutton,
Sir Peter Murray,	Mr. Wallace,
Sir Charles Price,	The Solicitor General.
Mr. Leicester,	

Mr. Dundas soon after appeared at the bar with a Resolution of the Lords, in which they desired the concurrence of the Commons. The Resolution was to this purport:—"That it is expedient and necessary that Letters Patent under the Great Seal be issued for the purpose of giving an assent in the King's name to the Regency Bill."

The Chancellor of the Exchequer stated, that in pursuance of the course on which the House had entered, it had now become necessary to consider the best mode of giving the Royal sanction to the Bill which had passed the two Houses, and with this view he should move, that the House do resolve itself into a Committee of the whole House on the State of the Nation.

Sir Thomas Turton said, that to those who had thought with him through the whole progress of the present measure, that it was a most extraordinary and unconstitutional expedient, no apology was necessary on his part for rising to reiterate on the final stage of that proceeding his strongest condemnation and protest against it. Although it might be an act necessarily following and arising out of the principles which a majority of both Houses had decided to be the best and most salutary that could be adopted, he yet re-

garded every previous measure as "trifles light as air," in comparison of what it was now proposed to do, the magnitude and importance of which imposed upon him the necessity of trespassing once more on the attention of the House. If there was one maxim more clearly established than another in the frame of the Constitution, it was that two branches of the Legislature were not competent to make any binding provision that should have the effect of law.—If there was any beauty in the Constitution peculiarly entitled to admiration, it was the counteractive influence of the separate estates, and more especially the salutary operation of the Royal '*veto*,' in repressing the occasional effervescence of a democratic, or the general pride of an aristocratic spirit. But in giving a fictitious Royal assent to an act of the two Houses, what was it but to make use of that assent to give validity to an act of their own? *(Hear! hear!)* At the time too, when, in pursuance of the third Resolution, the ground-work of all their proceedings, they were professing to aim at the preservation of the form and principles of the Constitution. He wished to refer also to that statute which he conceived had been too seldom and too slightly adverted to—the Act of the 13th of Charles II. He was far from thinking that this statute merited the contempt with which it had been treated, in the discussions which had taken place. Whether he considered the character of the persons with whom it originated—among whom was to be found a Clarendon, and others, who, if since equalled for patriotism and talents, had certainly not been surpassed—or if he recalled to his mind in what company this law was made, when he remembered that by the same Parliament freedom of debate was first secured to the House of Commons, and that the same Parliament defined and improved the law respecting trials for high treason; he was equally impressed with a high sense of the value and estimation due to the statute which he had alluded to. The whole spirit of the Constitution was opposed to the measure before them, and it was besides a violation of the plain letter of the Law. Both the Law and the Constitution might be quoted against it, and against any other Bill, however partial, local, or temporary, in its nature. But when he regarded the object of that Bill, which they were then considering in what manner to sanction, which not only affected the deepest interests of the country, but absolutely curtailed and disposed of the prerogatives of the Crown

itself—*(Hear! hear! hear!)*—at that particular moment, when, by an unhappy visitation of infirmity to the Sovereign, these prerogatives were left at their mercy, and the power of the Royal *veto* was totally suspended—*(Hear! hear!)*—it was impossible for him to suffer such a proceeding to be completed without renewing the declaration of his most solemn protest against it. It appeared to him that there had been much irregularity in referring to the Monarch on all occasions, rather than the Monarchy, which it was their duty no less than their interest to guard. Neither was he inclined to join in the levity with which some had termed the proceeding, a *phantom!* To him it appeared to constitute a precedent of substantial mischief.—*(Hear! hear!)*—The power of conferring Peerages had been taken from the Chief Magistrate. If the two Houses had the right to do this, their right was equally indisputable to take away the prerogative of making peace and war.—Where then would the precedent stop, and what line could be drawn to the assumed privileges of the two Houses?—He would say no more on the principle of the Bill; but he could not help remarking, that as many persons had arrogated a superior claim to the title of the King's friends, it was a strange way of shewing their respect to the Regal authority, to seize upon the period of its suspension and weakness, to limit and restrict its most important functions. It appeared to him, that there was much absurdity in tracing back the precedents of Henry the Sixth's reign, precedents which he had carefully examined without finding any thing more than a quantity of bad Latin and bad French. At that period of our history the Great Seal had been passed through the hands of an infant, in order to give the Royal sanction to a Commission for assembling Parliament; but it had never been converted before into an instrument for putting the Royal authority in abeyance. *(Hear! hear! hear!)*—Though perhaps therefore not less unconstitutional, it was a proceeding that failed to establish the perilous and alarming precedent of the present day.—What, however, if the country should not acquiesce in this novel and extraordinary assumption of power? What if their ordinances under the circumstances of their present situation should be resisted by the people? Ought not Ministers to have considered this; and was it not their duty to consider even yet whether there was no means of extricating themselves from so great a difficulty? In his judgment

the best mode they could now adopt would be to throw out this Bill, advanced as it was in its progress, and immediately address his royal highness the Prince of Wales to assume the government of the country. (*Hear! hear! hear!*) —He was aware of the length to which the discussions had already extended, and of the ability with which they had been conducted; but questions distinct in their nature had been too much blended together, and abundance of extraneous matter introduced. The question, however, between the proceeding by Bill or Address, had been certainly sufficiently debated, and he should say no more upon that subject. He could not help thinking still, that those who had taken the lead in support of proceeding by Bill, had but ill sustained the character of superior loyalty and attachment to the interests of the Crown. Where were they to look for the proofs of the right honourable gentleman opposite (Mr. Perceval's) anxious concern and fidelity to the King his Master? Was it in his late allusion to the character of Richard II. as one fit to be compared or assimilated to his Majesty; of a King, the object of his subjects' abhorrence, imprisoned for his weak and pernicious subserviency to his minions; with a Monarch engrossing the sincere affections of the country over which he ruled, and whose return to the duties of his high station was the event most anxiously desired in the unanimous prayers of his people? The right honourable gentleman, indeed, in his zeal for poetical quotation, had forgotten to notice one tragedy of the illustrious bard to whom he had referred, in which some incidents might perhaps be found more suitable to the occasion.—Had the right honourable gentleman consulted the play of King Lear, he might have discovered striking examples of the emptiness of pretended loyalty, and the inefficacy of sounding professions when put fairly to the test.—(*Hear! hear!*)—He might there have seen, by the character and conduct of a Cordelia, that those who boast the least, and make the most moderate pretensions, those who vow to Majesty nothing more than is inscribed in the bond of a subject's allegiance,

> ——————Who love his Majesty,
> According to their bonds; nor more, nor less,

were, in the hour of real peril, infinitely more to be depended on than the courtly flatterers who profess

> To love him more than words can wield the matter,
> Dearer than eye-sight, space, and liberty.

Thus much he deemed it necessary to say in vindication of the equal loyalty and sincerity of attachment to the King, felt by those who had resisted the curtailment and mutilation of his prerogatives.—(*Hear! hear! hear!*)—Whatever indeed might be the warmth of the affection felt by all descriptions and parties for the Monarch, he would say, that those who voted for an act so subversive of its interests, were in fact enemies to the Monarchy. Impressed, therefore, with a sense of the fatal dangers that might arise in the train of its natural consequences, and with the wrong done to the Constitution, he would exclaim, "*Fiat justitia ruat cælum*," and once more exhort the House to have immediate recourse to an Address to the Prince of Wales.—When the question should be put, if no amendment should be moved by any other member, he would submit one to the House that should contain his protest against the principle, and which should exhibit on their Journals to after ages, that so monstrous a violation of the fundamental principles of the Constitution had at least not passed by an unanimous vote.

The question was then put, that the House do resolve itself into a Committee of the whole House, to take into consideration the State of the Nation.

The Speaker left the chair, and the Chancellor of the Exchequer moved, that the Resolution of the Lords be agreed to.

Mr. Elliott observed, that he could not suffer the present occasion to pass without declaring his solemn protest against the course proposed to them. It was his clear and decided opinion, that if calamities similar to those which now afflicted the country were again to occur, a plan similar to the present could not again be resorted to, without subverting all the barriers and securities of the Constitution. It was not probable that the Constitution would itself escape.—(*Hear! hear!*)—By having recourse to a mode of proceeding at once indecorous, dispiriting, and fallacious, they were asserting the right of the two Houses to dispense with the Regal office. They were declaring their determination to bring the Throne to the feet of the two Houses, and erecting a new and unconstitutional authority in the absence and infirmity of their Sovereign.—(*Hear! hear!*) He did not rise to trouble the House with any arguments on the question, and should therefore content himself with

repeating his disapprobation of the measure, and his intention of negativing it.

Mr. Ponsonby said he rose, not for the purpose of prolonging or exciting any fresh debate; he wished only to add his protest to those of the honourable members who had spoken against the consummation of a fraudulent fiction. It was one entire and unqualified fiction, defying and trampling upon the Constitution, and offending the first principle of reason, by asserting the existence of a power to give the Royal Assent in an act designed solely to supply the Royal incapacity.

The Speaker then rose, and began by observing that it had not been his intention to trouble the Committee at any length in delivering his opinions on this subject: but, after having heard the very strong protest of a right honourable gentleman (Mr. Ponsonby), and also what had fallen from an honourable Baronet (Sir T. Turton), he thought that opinions so disparaging to the House, and derogatory to the whole character of their proceedings on this subject, ought not to pass without some observations. He certainly saw those proceedings in a very opposite point of view, and therefore could not confine himself to a silent vote upon this occasion. He had been silent hitherto on the subject, because it had been so thoroughly canvassed by men of the greatest talents and enlightened minds, that he almost despaired of throwing any new light upon it. He was also desirous of abstaining from delivering his opinions, from the consideration that a person holding the situation that he did, could best discharge that duty by not mixing in discussions upon ordinary business. The question, however, now for their consideration was no ordinary business, and as it was mixed up in a great measure with a question of forms, he thought that it would be the most respectful course to the House, to state his opinion on the measures already adopted, as well as that which was now proposed to their consideration. In the outset of these proceedings, doubts had been expressed (he did not say by members of that House), whether they ought to be considered as the Commons-House of Parliament, or whether they were the legal Representatives of the Commons of England. Whatever alterations might by some be thought proper to be made in the representation, yet as to the assertion that that House did not legally represent the Commons of England, he hoped that it would never be made without

meeting the most pointed reprehension. It was a doctrine as ill founded as it was dangerous. Other doubts had been expressed whether they had been lawfully assembled, although they had met in pursuance of the King's writ. The only thing which appeared irregular was, that the meeting of Parliament did not commence in that manner which, in point of time, gives the name of a Session; but it by no means followed, that, on this account, the two Houses were deprived of their powers, and unable to do any thing. So far from that being the case, that it was then that new and extraordinary powers had devolved upon them. It then became their duty to fill up the chasm in the Royal Authority, and supply the existing deficiency. This became their duty; and therefore, from necessity, they had all the powers which were necessary for the discharge of this duty. However momentous and hazardous was the task, yet the House were not without lights to direct them in the path they were to pursue. In looking back at the period of the Restoration, it would be found, that the Parliament at that time, although surrounded with difficulties, did not hesitate to exercise all the powers which were necessary sor the object they had in view. They wielded, in effect, the sceptre of this Kingdom, for the purpose of restoring their legitimate Sovereign to the throne. The Exchequer was in the mean time at their command, the military force obeyed their directions, and every thing was done by them which the necessity of the country required to be done. This was certainly a case of extremity, but all the acts so done were afterwards sanctioned; and the Restoration Parliament was allowed to be a valid Parliament. At the period of the Revolution, when they were busied in the election of a new Sovereign, and in bringing forward what they claimed as the rights of the subject, the Convention Parliament conceived themselves entitled to all the rights of a Parliament; and there were instances of their having at that time punished Magistrates who had acted improperly, and other persons who had disputed their authority. The House at the time of the Convention Parliament began with appointing a Committee of Privileges. He could have wished that their example had been followed in this respect at the first meeting of the House upon the present occasion. He thought that it ought not to have been left doubtful, whether the House was not, at its meeting, entitled to the whole of its privileges as a House

of Commons legally assembled. Whatever course their deliberations might have taken in the first instance, yet it should have been known that their decisions were entitled to the full weight and authority that the House of Commons possesses when assembled under the ordinary circumstances. As to the great question then submitted to their consideration, he, who had borne no part in the preceding discussions, who had no imaginable private interest in the determination of it, had viewed in every light the measures which had been adopted on this occasion, and it was his decided opinion that those measures were just, and such as ought to have been adopted, (*Loud cries of Hear! hear!*) and that no other course could have been adopted which would be equally effectual for all the objects which the two Houses of Parliament had in their view. He most cordially concurred in the principles which had been stated in that House, twenty-two years ago, by a distinguished person (Lord Grenville) who then filled the situation he now held himself. In his concurrence with all the general principles then stated, he should, however, save and except that part which spoke of the restrictions and limitations that were then thought advisable. With respect to the limitations which were then, and which may now be thought necessary, he should forbear to give any opinion. He should now select two or three of those cardinal points, upon which the present argument hinged. It was agreed on all hands, that it was the duty of the two Houses, and that they had the power, to provide the necessary means of supplying the Royal disability. It had been stated that the mode which had been pursued at the Restoration, and at the Revolution, was to call a Sovereign to the throne by an Address of the two Houses. When a Sovereign, whether *de jure* or *de facto*, possessed the throne, he held an office the functions of which were known to all the people. On those two occasions the object of the addresses was merely that the throne should be filled. The present case was widely different, as the throne was already full; and the question was only as to the powers which ought to be given to the Regent. There had been a great difference with respect to the powers with which Regents had been entrusted at different times. The fullest powers which had been given were to Philip of Spain, the husband of our Queen Mary, and to the Lords Justices appointed under the Succession Act. The powers were more restricted which were given

to the Regents in the times of George I. or George II. If the two Houses were now of opinion, that, under the existing circumstances, certain restrictions and limitations should be put to the Royal power in the hands of the Regent, he thought that it was evident that an Address would not be the most convenient mode of imposing restrictions and limitations. It must always be borne in mind, that this case differs from those which he had mentioned, in this, that we have a living Monarch, whose interests and whose rights it was the duty of Parliament to protect, while they were taking measures for supplying the present deficiency in the exercise of the Royal functions. It was on this account that they had tendered the Regency under certain modifications of the Royal power. In the acceptance of the Regency, whether given by an Address or a Bill, the Regent was a party to the contract; but the King could not at present be a party to this contract. It therefore became necessary for the House to combine the interests of the Sovereign with the supplying the existing deficiency in the exercise of the Royal functions. There was no way of combining those two objects in a manner the most obligatory to all the subjects of the Empire, which was so effectual as a Bill. The two great objects of Parliament were thus obtained simultaneously, and in the most authentic manner. He thought that the steps which were most proper were those which most resembled what would be taken in cases where the King was fit to discharge the functions of Royalty. It was therefore right upon the present occasion to give life and activity to the Great Seal, which had been always considered as the organ of the will of the King. This Seal was also considered, not only as the organ of the Royal will, but it was also the Great Seal of the United Kingdom of Great Britain and Ireland, in which all the subjects of the realm were deeply interested for the preservation of their rights. It was by no means unusual for Parliament to command the affixing of the Great Seal. It was the common practice of that House to order writs under the Great Seal for the return of members to serve in Parliament. Although he would not contend that the two Houses ought, upon common occasions, to interfere with the Great Seal, yet there were many instances of their having exercised a control over the Great Seal. The Restoration Parliament did not hesitate to confide the Great Seal to the Earl of Manchester, and to exercise a control

over it until the King had arrived in this country. It therefore appeared to him that the two Houses were fully justified, not only from reason and the necessity of the case, but also from precedent, in ordering the Great Seal to be put to the Commission which had been that day read. As to the precedent which had been cited by the honourable baronet (Sir T. Turton), and on a former occasion by others, his general answer to the arguments founded upon these precedents was, that they were formed for a state of things totally different from the present, and that therefore they did not apply. There was now a King; and God forbid that they should be inattentive to his interests, or think themselves bound strictly to follow precedents of cases where there was no Sovereign on the throne, or where, as at the Restoration, the only object was to call the legitimate Sovereign back to his throne.

It remained for him to notice an objection to the present course of proceeding which had been stated on a former night, though upon this or any other part of the subject he could not hope to state any thing new—indeed it was impossible to say any thing new upon it after the ample discussions which it had already undergone. In this respect he had to apologise to the Committee for the want of novelty which must necessarily pervade all he felt it his duty to submit to its consideration. The objection to which he alluded was that which represented the whole of this proceeding as a fiction, a fraud, an imposition wholly unworthy of the councils of a great nation. The application of such terms to a Parliamentary proceeding may, perhaps, be excusable in the warmth of discussion; but he was persuaded, that upon mature consideration, no hon. member would continue of the opinion, that the course which had been adopted by the two Houses could be justly so designated. But then it was contended that the proceeding was a fiction, because it assumed the volition of the King, who had already been declared incapable of such volition. But in his opinion, if the nature and purport of the instrument then upon their table were to be examined, it would not admit of such an interpretation. They were all aware that in all ordinary cases of opening Parliament by Commission, the Commission stated that it had been issued by the advice of the Privy Council; and in like manner, that in Commissions for giving the Royal assent by Commission to such bills as may have passed both Houses, it was uniformly stated that the King had read and

understood the bills to which the Royal assent was to be so given. Now, upon examining the Commission under consideration, it would be found that these references to the advice of the Privy Council, and to the personal cognizance of his Majesty, had been struck out, and the authority of Parliament inserted in the body of the Commission; nay more, that at the foot of this Commission, where the Royal signature was generally annexed, the authority and the name of Parliament is added. With all this evident upon the face of the Commission, how could the whole proceeding, and this part in particular, be justly called a fiction —every thing personal to the King being struck out, and the name and authority of Parliament distinctly and openly introduced? This act of the two Houses was undoubtedly a strong act, but it was an act founded upon and fully justified by the necessity of the case. He should not presume to impute it as matter of charge against any honourable member for designating the proceeding in any manner in which, in his view of it, he might think it right to represent it; but to say, that under such circumstances, it amounted to a fiction, was, in his mind, a gross perversion of language. But even if the proceeding upon which the two Houses had hitherto acted were now to be abandoned, and the course by Address to be adopted, the Regent, in the course of a few weeks or a month, would have to come down to Parliament, to confirm his authority. They had no power by their address to authorize the Regent to perform any legislative act. If he were to take upon him, then, the exercise of the powers of Government by an address, he would still have to look to Parliament for a confirmation of his authority. He would then have to put the name of the King, by his Great Seal, to the act for establishing his own power without the consent of the King, in the same manner as it is in this proposed to be done by Parliament to the Commission for giving the Royal assent to the Regency Bill. (*Hear, hear!*) In what manner could he otherwise give the Royal assent to the Act but in the name of the King? (*In his own name*, was answered across the table.) In his own name, he understood some gentlemen to state; but by what authority? He could have no power to do that but by the authority of Parliament; and if his signing could not be valid until authorized by Parliament, then the proceeding by address would end as it began—in the necessity of having

the King's signature, without his personal volition, set to an act upon the authority of Parliament. But why should Parliament resort to such a course, when they could at once, by their own authority, direct the Great Seal to be applied to the Commission for giving the Royal assent to the Regency Bill? Had those gentlemen who proposed to proceed by address considered, that if their course were to be adopted, the Regent would have to usurp the name of the King, if he directed the Great Seal to be applied to any act without the authority of Parliament? The Great Seal might, indeed, be said to give validity to such Acts, but what was to be said of that great class of public Acts, to which the Privy Seal gave validity? Would the Regent, upon an Address, direct the application of the Privy Seal; or if he should, where was the security that such instruments might not be controverted? If the Great Seal itself could not be free from being liable to be controverted under such circumstances, how could they be certain that the Privy Seal might not be questioned? Besides, another difficulty would arise as to all the various and multitudinous acts which derive their validity from Sign Manual. Every honourable member was aware of the great mass of offices, civil, military, naval, and ecclesiastical, which derived all their security from the authority of the Sign Manual. Could they be quite sure, then, that, if the Regent by Address should give efficacy to such appointments by the Sign Manual before his authority should be confirmed by Parliament, they would all be admitted to be valid? Could they be perfectly certain that each would not be made the subject of vexatious litigation? He was aware that the argument would revert upon him, and that he might be asked whether the Parliament might not be resorted to? But they, in such a case, would have only their mace to give him as a sceptre; whereas, by the proceeding under consideration, they would give an armour that would be impenetrable, and put into his hands a sword that would be irresistible. Upon the whole it was his opinion, that a Regency should be modelled; that a Regent should be appointed, that the interests of the infirm King should be secured to him under every circumstance of age, infirmity, or weakness; and that proper provision should be made for the resumption of his power in the event of his recovery. All this, in his view of the case, should be done by the solemn act of the two Houses of Parliament; which could

be controverted by no authority in the State; which would be binding upon themselves, and which all the subjects of the Realm would be compelled to obey. He had then only to apologize to the Committee for having so long occupied their attention: but entertaining the opinions he had stated, he felt it to be his bounden duty not to let that stage of the proceeding pass without stating it to be his firm conviction, that the course of proceeding which had been adopted was most reverential to the Sovereign, most effectual for the Regent, and most beneficial for the country. (*Hear, hear, hear!*)

Mr. Ponsonby felt the highest respect for the authority and talents of the right honourable gentleman who had just addressed the Committee; but in consequence of the allusions that had been made to what had fallen from himself, he conceived himself called upon to offer a few observations to the Committee. It was extremely natural for the right honourable gentleman, holding the situation he filled with so much ability, now that the House had decided in favour of the proceeding under consideration, should be partial to it, and give it his support. But whilst he felt the highest respect for that right honourable gentleman, he should discuss his arguments with the most perfect freedom. The right honourable gentleman had mistaken altogether the drift of his argument, when he supposed that he applied the term fiction to the present part of the proceeding. He had never said that the fiction consisted in using the King's name, as in this instance, but in Parliament adopting a proceeding, implying the consent of the King, after both Houses had decided that he was incapable of giving such consent. The right honourable gentleman had asked, if they were to proceed by Address, how the authority of the Regent could be considered as known to the country without an Act of Parliament to confirm it? Certainly it could not; but all that Parliament had to do in the first instance, was to supply the deficiency in the Royal authority, to make a substitute for the incapable Sovereign, personally competent to give the Royal assent to the Act. This was the course pursued at the Revolution. The fiction he complained of was not in the wording of the Commission, but that the instrument implied a consent which Parliament had declared the King incapable of giving. But the right honourable gentleman asked whether they could be sure, that if the Regent were to be appointed by Address, his authority would be recognized

and submitted to in the country? The right honourable gentleman, however, must recollect, that nobody had ever said that it would, unless confirmed by an Act of Legislation. Every man must know, that if the Regent should give the Royal assent to such an Act, it would be binding upon the whole nation. He knew not what latent virtue may reside in the form or metal of the Great Seal, that could give to this proceeding a higher claim to authority than the course by Address; but the argument, if worth any thing, would revert upon those who used it. Might it not with equal force be asked, how they could be sure that this course of proceeding would be submitted to by the nation, or recognized in the Courts of Justice? It was the assuming the King's consent, when it was known that he was incapable of consenting, that constituted the fiction, the fraud, and the usurpation of the Royal authority in this case; whereas the proceeding by Address pointed a plain and simple plan of attaining their object—a course congenial to the principles of the Constitution, and conformable to the uniform practice of Parliament in the best of times. The course of proceeding, whether by Bill or by Address, was to be justified by the necessity of the case; but in both cases requiring to be confirmed by an Act of the two Houses of Parliament. The whole question then was, whether it would be better to proceed by Address, according to the precedent of the Revolution, or by Bill as in the present proceeding. He had thought necessary to say thus much, as the right honourable gentleman had addressed so much of his speech to what had fallen from him; he did not mean to extend the debate to any length, and should therefore content himself with repeating his solemn protest against the whole proceeding.

The Chancellor of the Exchequer felt it unnecessary, after the able and argumentative speech of his right hon. friend near him, to attempt to add any thing to what had been so forcibly urged by him. After that speech, he thought it impossible to throw any additional light upon the subject; but he must remind the Committee, that no part of that constitutional and able argument was to be ascribed to a predilection for the proceedings sanctioned by that House in consequence of the situation so ably filled by his right hon. friend. If his right hon. friend had delivered his opinion to the Committee without argument, there might be room for such a supposition; but when they found him stating his opinion upon the fullest deliberation, and supporting it with

arguments not only conclusive in themselves, but which had actually refuted all the arguments on the other side, it was not just to impute this opinion to any partiality for the proceedings of that House. Having said thus much in vindication of his right hon. friend's argument, he should proceed to reply to an observation of the right honourable gentleman opposite (Mr. Ponsonby), when he charged his right hon. friend with having misunderstood him, as to his application of the harsh terms, fraud and fraudulent fiction, to the proceeding before the Committee. Upon this point he must remark, that towards the close of his speech the right hon. gentleman had admitted, that the proceeding by Address would not be complete without being confirmed by an Act of Legislation. If that were the case, then he must contend, that all the objections to the proceeding by Bill would apply with more force in several respects, and with equal force in every other instance, to the proceeding by Address. They would have the same use of the King's name without the King's authority, and the same assumption of his volition without his being capable of expressing his will. The right honourable gentleman had adverted to the case of the Revolution, but he seemed to forget that the state of the facts was wholly different. Did the right honourable gentleman mean to say that the Regent, by Address, was to give the Royal assent to his own name? If not, whether they were to proceed by Bill, or by Address, then the Royal assent would be to be given to the Bill establishing the Regent's authority in the King's name. If the Regent could not give the Royal Assent but by the authority of Parliament, why may not Parliament at once give authority to the Commissioners in this commission named to signify such assent? The objection would apply equally, or with more force to the mode of proceeding by Address; and this was the great answer to all the arguments which had been advanced on the other side. He trusted confidently that they would have the universal concurrence of the nation in this proceeding—that all classes of their fellow-subjects would feel, that in providing for the deficiency in the Executive, they had adhered as closely as possible to the forms of Parliament and the principles of the Constitution. It was their bounden duty, with a view to this object, to resort to the authority of the Great Seal in the earliest possible stage of the proceeding, in order to clothe it with the authority of law, and give to its provisions the effect of Legislative sanction. The

Courts of Law would be bound by the Great Seal: and an act such as that, to which, by this Commission, the Royal assent was to be given, when certified to them under the Great Seal, would be equally binding and imperative upon the Judges, as upon every other class of the subjects of this realm.

Mr. Ponsonby, in explanation, stated, in order to correct the misunderstanding of the right hon. gentleman, that what he had said, was, that they should in this instance follow the precedent at the Revolution, by putting by address into the place of the third branch of the Legislature, a person, who might have the power to assent or dissent—to exercise volition or nolition, as to any acts which might pass the two other branches of the Legislature. In the present proceeding they proposed to give the Royal assent to a measure, when the Sovereign was incapable of expressing assent or dissent to it; and this was what he considered the fiction and the fraud. The rational mode of proceeding would be, first, to provide the substitute for the King, to express the King's will; and then, when the three branches were entire, to proceed to legislate. As to the apprehension that the proceeding by address would not be assented to by the public or the courts of law, the same objection might be made to the present proceeding.

The Chancellor of the Exchequer felt sorry that he should have misunderstood the right hon. gentleman; but now that he had explained what he meant, he must say, that in whatever way he took the right hon. gentleman's statement, it would be equally open to his argument: for, if the Regent were to be appointed, how could he know what powers he was to have till they should be defined by Act of Parliament? and as he could not give the Royal Assent to such Act in his own but in the King's name, it would come to the same thing in the end as the giving the Royal assent without the consent of the King in person. In that case the King's assent would be to be signified by the Regent without his authority; whereas, in this case, Parliament, upon its own authority, was to provide for giving the Royal assent to the Bill.

Lord Porchester observed, in answer to the question, how the Regent, if appointed by Address, could know what powers he was to have, that the Address invited him to take upon himself the whole administration of the government, and that it was not to be supposed that the Regent was the only man in the kingdom who was ignorant of what the

powers of the Executive were. What he and his friends contended for was, that before they should proceed to legislate, they should provide a constitutional substitute for the King, who should be capable of supplying his defective volition. But this Commission would not supply that royal volition, because the Commissioners would only be authorized to signify assent without the power of dissenting. The duty of the Parliament was to provide a person, having the power of assent and dissent, to represent the Royal will, and not to attempt to give validity to their own act by their own volition. If they should proceed by Address, they would, in the first instance, supply the defect in the Executive; but if they should proceed to legislate without the third branch complete, in fact, or by substitution, there was no knowing where the business may end. This was the great and strong argument against the proceeding, that upon such a precedent, a future Parliament may found the subversion of the monarchy, and the overthrow of the Constitution. (*Hear, hear!*) With respect to the use of the Great Seal, he must remind the Committee, that the Parliament of Charles I. which overturned the monarchical constitution, had the possession of the Great Seal for a year and a half in the beginning of the civil war, and yet had never had the presumption or the folly to use it. Upon all these grounds he should protest against the whole proceeding.

Mr. Adam maintained the necessity of the distinction stated by his noble friend, that this proceeding was an act of the two Houses without the sanction of the third branch of the legislature. This third branch, according to the Constitution, acts by responsible advisers; but where were they to look for advisers in this case? Such a proceeding was without precedent. If they had adopted the course by address, they would have a person substituted for the King, to give the Royal assent constitutionally to such acts as might be agreed to by Parliament, being himself irresponsible, but acting by responsible advisers. This was the great distinction that should not be lost sight of.

Mr. Sheridan said he had listened with the most earnest attention to all the arguments which had been advanced by the right honourable gentleman opposite, (the Speaker) arguments which must be attributed to his real feelings and conviction upon the question under discussion, independent of any partiality he might be supposed to feel in consequence of the high office he filled in the chair of that House: but

having bestowed all his attention upon these, he was warranted in supposing that they contained all that could be said in favour of the proceeding under consideration; and the conclusion in his mind was, that they contained nothing substantially in favour of the proceeding. The right hon. gentleman had said that they were not a Parliament, nor possessed of the powers and privileges of a Parliament from the first moment of their assembling, till the application of the Great Seal to the Commission for opening the Session, transferred or metamorphosed them into something resembling a Parliament. It had fallen to his lot at an early period after their meeting to state, that not having their Committees of Justice, of Religion, of Privileges, they did not constitute a Parliament, and could scarcely be considered as the true representatives of the people. This opinion had now received the support of the right hon. gentleman, the highest authority in that House. But he could not help observing, that it would have been well if that right hon. gentleman had at the time condescended to give some intimation or hint to the House of its actual situation, in order that the proper steps might have been taken to reinstate it in its constitutional functions as a House of Parliament. The right hon. gentleman would admit, that not having established their Committee of Privileges, they had not power to try an election petition even. The right honourable gentleman had taken occasion that night to express his entire concurrence in the principles laid down in the speech of a noble member of the other House, who had filled the chair of that House in 1789, and spoke from the same place from which the right honourable gentleman had addressed the Committee. He had no doubt that the noble person alluded to, had been guided on the occasion by a conscientious sense of duty and rectitude; and no man could find fault with with him for the consistent course he had recently taken in another place. But when the right honourable gentleman abounded so amply in precedents and authorities, both parliamentary and constitutional, it was rather strange that he had not supported his opinions, rather upon his own arguments and authorities, than by taking shelter under the sentiments of the noble lord to whose speech he had alluded. Such a course might have suited the subordinate agents of Government, who had got that speech re-printed in a cheap form, with a view, no doubt, to embarrass their opponents. But the great defect of the argument of the right honourable

gentleman was, that he confounded the person and the office of the King. Parliament had the power to supply the person to exercise the regal functions, but had no authority to take them upon itself. *(Hear, hear!)* The right hon. gentleman had asserted, that the statute of Charles II. had reference to a king existing and competent, when it made it high-treason for the two Houses to legislate without the sanction of the king. But he should contend, that whilst this statute existed, those who may be concerned in affixing the Great Seal to this Commission would be guilty of high-treason; and that the members of that House, if they should countenance it, would be guilty of misprision of treason. When the present Parliament should be dissolved, when they came to give up an account of their conduct, when their constituents began to question and catechise them; there would, without doubt, be found a fund of sound constitutional sense in the country to disapprove of this unheard-of encroachment on the Royal prerogative. At the moment when they assumed the powers of the Crown, they impaired their right to the representation of the people. The right hon. gentleman ought to recollect, that at the Revolution the assembly then never called themselves a Parliament; they entitled themselves a Convention: they requested King William to convene the Parliament, and also that he should issue his writs to fill up the vacancies. Much had been said about respect for the precedent of 1788. I must express my surprise (said Mr. S.) to see the right hon. gentleman so enthusiastic in support of it, whom I am glad to see so plump, and robust, and ruddy, because I confess my fears for his safety from the zeal of the gentlemen beside him. They are so very enthusiastic in their imitation, that I really imagine, because Providence carried off the gentleman who filled the Chair in 1788, they will begin to think that there is a flaw in their present proceeding, if their present Speaker does not meet with a similar catastrophe. *(Loud laughing.)* Mr. Sheridan concluded by again entering his solemn protest against this measure.

The resolutions were then agreed to. On the report being brought up, *Sir Thomas Turton* moved an amendment, expressing "that the putting the Great Seal to the present Commission was an assumption of the Royal power," &c.; which was negatived without a division.

Mr. Adam expressed a wish to know when the Great Seal could be affixed?

The Chancellor of the Exchequer hoped the Bill would pass the Lords in time to have the Great Seal affixed to-morrow. A motion was then made that the House should desire a conference with their Lordships, on the subject of the last conference.—Agreed to.

Adjourned.

HOUSE OF LORDS.

TUESDAY, FEBRUARY 5.

Soon after strangers were admitted, Mr. Quarme, the Deputy Usher of the Black Rod, came to the bar, and announced that the Commons were ready for the conference in the Painted Chamber.

The Lords appointed to manage the conference, namely, the Lord President (Earl Camden), the Lord Privy Seal (Earl of Westmoreland), the Lord Steward of the Household (Earl of Aylesford), Earl Graham (Duke of Montrose), the Earl of Liverpool, the Bishop of Salisbury, Lord Wellesley (Marquis Wellesley), Lord Walsingham, and Lord Kenyon, went forth.

On their return soon afterwards, Earl Camden reported the communication by the Commons of their agreement to the Resolution of Saturday last, filling up the blank with the words "and Commons."

ASSENT TO THE REGENCY BILL.

The Lord Chancellor put the question to adjourn during pleasure, which was agreed to.

His Lordship shortly afterwards re-entered the House in his robes, and said from the Woolsack, "My Lords, a Commission has issued under the Great Seal, for giving the Royal assent to an Act which has passed both Houses of Parliament."

The Archbishop of Canterbury, the Lord Chancellor, the Lord President of the Council (Earl Camden), the Lord Privy Seal (Earl of Westmoreland) and the Duke of Montrose, took their seats as Commissioners, for giving the Royal assent to the Regency Bill.

Mr. Quarme, the Deputy Usher of the Black Rod, was sent to desire the attendance of the Commons.

Shortly afterwards, the Speaker and a great number of members of the House of Commons came to the bar.

The Lord Chancellor said—"My Lords, and Gentlemen of the House of Commons; inasmuch as, for certain causes, his Majesty cannot conveniently be present here this day, a Commission has issued under the Great Seal, to us and other Lords directed, reciting the Letters Patent of the 15th of January, for opening and holding this present Parliament, and the passing of an Act agreed upon by both Houses, and notifying the Royal assent to the said Act, which Commission you will now hear read."

The Commission was read at the table by the reading clerk. The Lords named in it, besides those sitting as Commissioners were, the Earl of Aylesford, the Earl of Liverpool, the Marquis Wellesley, Lord Mulgrave, and Lord Ellenborough. None of the Royal Dukes were named in it, nor were any of them present. The usual words, "having seen and perfectly understood," were, as before stated, left out. The Commission, after reciting the former Commission of the 15th of January, and declaring its validity, was worded in other respects nearly as usual in Commissions issued by the King's Authority, for giving the Royal assent to Bills, and concluded by authorising the Lords mentioned, to do such further acts as were required by the Commission of the 15th of January. To the usual words, "by the King himself," were added, "by and with the advice of the Lords Spiritual and Temporal, and Commons, in Parliament assembled."

The Commission having been read, the *Lord Chancellor* said—"My Lords and Gentlemen—In obedience to the commands, and by virtue of the powers and authority to us given by the said Commissions, one of which you have now heard read, we do declare and notify his Majesty's Royal assent to the Act in the said Commission mentioned, and the Clerks are required to pass the same in the usual form and words."

Mr. Rashleigh, the Deputy Clerk of the Crown, then read the title of the Act, and Mr. Cooper, the Clerk assistant of the Parliament, passed the Act in the usual words, viz. "*Le Roi le veut.*"

The Commons withdrew from the bar, and the Lords Commissioners quitted their bench. Adjourned.

PROTEST.

AGAINST AGREEING TO THE RESOLUTION TO PUT TH GREAT SEAL TO A COMMISSION TO PASS THE REGENC BILL.

Dissentient,

1st. Because having disapproved of the state of anarchy in which this country has been kept for three months, and which might have been prevented by following the precedent of 1688, I cannot agree to this measure for terminating it, which I consider to be unconstitutional and illegal; as, by ordering this Commission to be passed, the two Houses of Parliament assume *that power* into their own hands to make a law, which it is expressly declared they have *not*, by statute the 13th of Charles II.; and in order to suit the emergency, the usual and important words are left out of this Commission, "having seen and understood the clauses of the Bill."

2dly. Because I disapprove of the Bill which this Commission is to pass in this unprecedented manner, as thinking it impolitic and inexpedient; and it appears to me to be very ungracious for the two Houses of Parliament to be taking advantage of the defenceless state of the third branch of the Legislature, to attack its prerogatives; and if this principle be admitted, of only allotting such portion of the Royal authority as we think fit to the person executing the Royal functions, upon the same principle still farther limitations might have been added, and the Regent rendered merely a cypher, and the Monarchy itself degraded in the eyes of the public.

PONSONBY.

HOUSE OF COMMONS.

TUESDAY, FEBRUARY 5.

A message came from the Lords, announcing their agreement to the conference in the Painted Chamber. The managers who managed the last conference, were appointed on the present occasion, with the addition of the Lord Advocate of Scotland, to carry the Resolutions, with the blanks filled up, to the Lords.

Mr. Dundas, the Chairman of the Committee, announced their communication of the Resolutions to the Lords; and some time afterwards, a message from the Lords desired the attendance of the Commons to the reading of the Commission for giving the Royal assent to the Regency Act.

After returning from the House of Lords, the House immediately adjourned.

END OF VOL. I.—1811.

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